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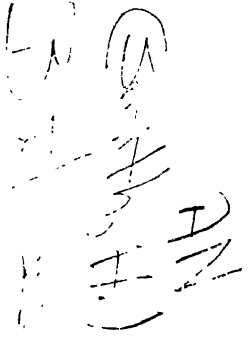


Smith, Henry M.
= Bates
AM

THE

Mysterious Stranger;

OR MEMOIRS OF

HENRY MORE SMITH,

alias

WILLIAM NEWMAN.

THE

Mysterious Stranger;

OR

MEMOIRS

OF

HENRY MORE SMITH;

alias HENRY FREDERICK MOON;

alias WILLIAM NEWMAN:

WHO IS NOW CONFINED IN SIMSBURY MINES, IN CONNECTICUT, FOR THE CRIME OF BURGLARY.

Containing

An account of his extraordinary conduct during his confinement in the gaol of King's County, Province of New-Brunswick, where he was under sentence of death:

With a statement of his succeeding conduct, before and since his confinement in Newgate.

BY WALTER BATES,
Sheriff of King's County.

NEW-HAVEN:
Published by Maltby, Goldsmith & Co
T. G. Woodward, Printer.
1817.

DISTRICT OF CONNECTICUT, ss.

BE it remembered, That on the 27th day of December, in the fortieth year of the Independence of the United States of America, Thomas G. Woodward, of the said District, hath deposited in this office the title of a book, the right whereof he claims as proprietor, in the words following, to wit:—"The Mysterious Stranger, or Memoirs of Henry More Smith, alias Henry Frederick Moon, alias William Newman, who is now confined in Simsbury Mines, in Connecticut, for the crime of burglary; containing an account of his extraordinary conduct during his confinement in the Gaol of Kings County, Province of New-Brunswick, where he was under sentence of death; with a statement of his succeeding conduct, before and since his confinement in Newgate, by Walter Bates, Sheriff of King's County."

In conformity to the act of Congress of the United States, entitled, "An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned."

HENRY W. EDWARDS,
Clerk of the District of Connecticut.

TO THE READER.

HAVING received repeated solicitations from Portland, New-York, Connecticut, and other parts of the U. States, as well as from many persons in the Provinces of New-Brunswick and Nova-Scotia, to publish the facts attending the conduct of *Henry More Smith*, while in my custody, I have complied with them, and now lay before the public the succeeding Narrative. The facts stated are not conjured up from memory, having been registered in a journal, kept from day to day, containing the most interesting particulars of his conduct. This journal was commenced from necessity; to enable the Sheriff and Gaoler to traverse the indictments found against them for suffering him to escape from prison. As it proceeded it grew interesting, and is now transformed into these memoirs.

Proposals were issued for publishing the work at Portland, and I left Kingston with the view of having it published there, but a fortuitous circumstance having brought me to New-York, and having connections in Connecticut, of which I am a native, I concluded, after identifying *William Newman* as the same person I had had in custody at Kingston, to collect the facts attending his conduct in this part of the country, and to publish the work here. This explanation will account for the address of the following letter to the Editor of the Portland Gazette.

Since my arrival here, I have been twice to Newgate to see him, and have found to my own satisfaction, that he is acting a farce there, perhaps not less astonishing than his preceding conduct; by which he has already relieved himself from labour, and I have no doubt still contemplates his liberation.

W. B.

NEW-HAVEN, DEC. 1816.

To the Editor of the Portland Gazette.

SIR,

I HAVE received your proposals for printing memoirs of *Henry More Smith*, alias *Moon*, alias *Newman*, now supposed to be in Newgate prison, in Connecticut, requesting a correct statement of his character and conduct, while in the provinces of Nova-Scotia and New-Brunswick, to be published under the title of "*the Mysterious Stranger.*"

It would be satisfactory to the public mind, no doubt, to have the life of such an uncommon character traced back to his origin; his conduct, however, while in these provinces, has been such, that no credible information can be ascertained, who he was, where he came from, or by what means he came into these provinces. He was not known to follow any particular profession, but was said to execute to perfection any branch of mechanism that came to his hand. He made no enquiries, but appeared to know every thing, and every place. He was seen in all parts of Nova-Scotia; but no one knew his business. He formed a connection by marriage in a respectable family at Rawdon, in Nova-Scotia; but still remained a stranger. He was found to possess a wonderful command of his mind, his passions, and the natural powers of his body, and the art of deceiving to perfection. In short, as far as I have been able to collect his whole conduct for about three years in

these provinces, was a scene of mystery and wonder.

Thirteen months he was in my custody; and experience gave me some knowledge of his character. I wish it could have fallen to a more able pen to delineate his conduct, but as I have undertaken the task, I shall confine myself wholly to a statement of facts, and, however unaccountable they may appear, *I pledge myself, and every person named in the Narrative* for the truth of what is related of him while in my custody. Those facts derived beyond my own knowledge are from creditable sources, and are undoubtedly authentic.

I have learnt satisfactorily that *William Newman*, now confined in Newgate, in the State of Connecticut, is the same person who was in my custody, and I have no doubt that these memoirs will be interesting to the American people.

I shall, therefore, with deference to the public, begin my statement, with my first receiving him into custody, relating what took place while in my charge, including the information I have received from other parts of the British provinces, and from the United States, up to the present time. Sensible as I am of my own inability, and the imperfect state in which it must appear from my hands, I hope only that no unworthy motives will be attributed to me, by an indulgent public.

WALTER BATES,
Sheriff of King's County, New-Brunswick.

KINGSTON, Sept. 1816.

MEMOIRS

OF

HENRY MORE SMITH, alias MOON, alias WILLIAM NEWMAN.

ON the second day of August, 1814, in the afternoon, I was called upon by WILLS FREDERIC KNOX, Esq. resident in the parish of Norton, Kings County, Province of New-Brunswick, son of the celebrated WILLIAM KNOX, Esq. formerly Under Secretary of State, and Agent for the Province of New-Brunswick and Prince Edward Island, who requested me to take into custody and confine in the gaol of the said County of Kings, a decent looking young man by the name of HENRY MORE SMITH, who, he informed me, had been apprehended for stealing and carrying away a valuable horse from him, on the 20th of July last; and that he had himself pursued him into the Province of Nova-Scotia, as far as Pictou, a distance of 270 miles, which the prisoner had performed in three days—That, by procuring fresh horses, he overtook him on the 24th, and had him apprehended by John Pearson, Deputy Sheriff at Pictou, and taken before the Justices, in their Court, then sitting at that place—that he had recovered his horse, a watch, and fifteen guineas,

found with the prisoner—and obtained a warrant of conveyance through the several Counties to the County of Kings, in order there to take his trial—that he had found him to be a great villain; that he assumed different names; had committed depredations on the road to Pictou—and attempted several times to make his escape from the Sheriffs—that if it had not been for his own vigilance, they would not have kept him—that he had thus brought him safe to prison—and unless he was well taken care of he would effect an escape yet. I replied, Sir, I think you deserve credit for your exertions in pursuing the thief, and recovering your horse; but if such is his character, I cannot thank you for bringing him to me; I had much rather you had left him to his fate in that Province. I fear we shall have much trouble with him, (which was verified in the extreme, as will appear in the sequel.) I shall take care, however, that he does not escape very easily.—He was then received into prison, on the warrant of conveyance, for examination, without a regular commitment.

The prisoner came on horseback—it was raining and near night. Having rode all day, he was very wet; and not having a shift of clothes, and the stove out of order in the criminals' room in the prison; I directed the gaoler to put him hand-cuffed into the debtors, and give him fire, that he might dry himself, or his health would be in danger. The day following he was removed into the criminals' room, which being

very strong, irons were considered unnecessary—and as he appeared to be very inoffensive, his handcuffs were taken off, and being provided with a comfortable birth, with straw and blankets, he seemed reconciled to his situation. He wished for an opportunity to send for his portmanteau, which he said he had left, with some other articles, in the care of Mr. Joseph Stackhouse, near St. John, and which contained his clothes. He stated that all his money had been taken from him, and that he must sell his clothes to purchase necessaries, and procure a lawyer, as he was a stranger in this country and knew nobody, and had no friends to help him—that he was young, only twenty-two years of age, and had never seen a court, or knew any thing about the law—and had not been in America more than one year and a half—that he came from England on account of the war; that he was born in Brighton; that his father and mother were living there now, and that he expected them to come out to Halifax next spring, as he had lately purchased a valuable farm on the river Philip and had wrote to them to come—that he had rode to Saint John on business, and saw Col. Daniels of the 99th regiment—who enquired of him if he knew a horse that would span with one that he drove in his carriage—he said he thought he did—the Colonel told him if he would bring him a horse that would span with his within a fortnight, that he would pay him two hundred dollars—he then said that he had not money

enough to purchase the horse; that if he would let him have fifteen guineas he would leave the mare he then rode, in pledge, until he brought the horse; as he knew there was a vessel then ready going from Saint John to Cumberland, where the horse belonged—to which proposal Col. Daniels agreed; and gave him the money. Leaving the mare, he went to his lodgings, about one mile out of town: but, before he returned the vessel had gone and left him, and having no other opportunity to go by water was obliged to set out on foot; and having a long distance to travel, and short time to perform it, was obliged to travel all night, and at day break was overtaken by a stranger, with a large horse and a small mare, which he offered for sale; and being tired with walking, offered ten pounds for the mare, which he accepted —and they rode on together some time, when he began to find that the mare would not answer his purpose; that he had not money to purchase the horse he was going after—that he should not be able to sell the mare, and would thus lose his object—and as the horse was a good looking one, which he might sell for the money again, he bantered the man for a swap, which he agreed to, and exchanged the horse, saddle and bridle, for the mare and 15 pounds to boot, which he paid him, and took a receipt for the money, which he produced, written in the following words:

"Received, July 20th, 1814, of Henry "More Smith, fifteen pounds in swap of a horse,

" between a small mare and a large bay horse,
" that I let him have, with a star, six or seven
" years old. *James Churman.*"

This receipt was written and signed in two distinct hand writings. He said that he then proceeded on his journey to Cumberland, and bargained for the horse, which was the object of his pursuit; but not having money enough to pay for him, was obliged to sell the horse that he rode, and hearing that Col. Dixon of Truro wanted such a horse, proceeded there in great haste; and arriving at Truro, found Col. Dixon was gone to Pictou, forty miles farther, to attend court, which was to sit at that time; and he was obliged to proceed on with all speed—The next day being Sunday, was obliged to stay until Monday, before he could sell his horse; and was there overtaken by Mr. Knox, who had him apprehended and charged with stealing his horse; and taken before the Court there—and being a stranger and no one to speak for him, they had taken all his money and his watch from him; and sent him back to King County Gaol, there to take his trial—and complained of being misused on his way by Mr. Knox. He shewed great anxiety about his situation, and to make enquiry after the man who sold him the horse, as he was convinced the horse was stolen, and that the thief would be out of the way unless he was taken soon; and then his case must be desperate, as he had neither money or friends, and knew nothing of the law himself.

It so happened, the day following, that I had occasion to go to the city of Saint John, in company with Doctor Adino Paddock, sen. On our way had occasion to call at Mr. Nathaniel Golden's Tavern, at the French village in Hampton; and when placing our horses under his shed, I saw a man mount a horse in haste that stood at the steps of the door, and ride away toward Saint John with great speed, apparently as if in fear of being overtaken—and on enquiry who he was, we were told by Mrs. Golden, that he was a stranger who had called there once or twice before, and that she believed his name was Churman or Churnun—I replied to the Doctor, that was the name of the man that the prisoner Smith said had sold him the horse. Mrs. Golden said she could know by enquiring in the other room, which she did, and answered in the affirmative. We then made enquiries on the road as we travelled toward Saint John; but heard nothing more of the stranger by that name ever afterwards.

After my return from Saint John, I informed the prisoner, Smith, of the circumstance—he appeared extremely elated with the idea of having him taken, and said if he had money or friends, he could have him taken and brought to justice; and then be set at liberty—but if he made his escape out of the country, his own case must be miserable. He wished to apply to a lawyer for advice, and was advised to employ CHARLES I. PETERS, Esq. Attorney at St. John, and told that he need not fear, but if

there was any way to get him clear, that he would do it for him faithfully.

The first opportunity that offered, he wrote an order to Mr. Joseph Stackhouse at St. John, where he had lodged, for his portmanteau, and some articles left for sale, and if sold, to apply the money as a retainer to Mr. PETERS, his attorney. The return brought a genteel portmanteau and a pair of boots, leaving a small consideration in the hands of Mr. Peters, as a retainer, upon condition of his making up the remainder to the amount of five guineas before Court; with which he appeared perfectly satisfied, and said he must sell his clothes and other things out of his portmanteau, that he could spare, and make the money. He gave me his key, with which I opened his portmanteau, and found it well filled with clothes. I found two or three genteel coats, with vests and pantaloons of the first cloth and fashion, with silk stockings and gloves, a superfine over coat of the modern fashion, faced with black silk; a number of books, consisting of a neat pocket bible and prayer book, London Gazetteer, Ready Reckoner, and several other useful books for a traveller—he had also a night and day spy glass of the first kind, and a small magnifying glass in a turtle shell case, and several other useful articles, without any thing suspicious, which induced us to think, at least, he had been fitted out by careful parents, and was possibly innocent of the charge. He soon commenced selling his clothes and other articles;

any person who wished to speak to him, was permitted to come to the wicket door, through which he disposed of his articles, as he said, out of necessity, to raise money to retain his lawyer and to purchase necessaries ; and many purchased out of compassion for his situation—Among others, a young man, who said he knew him while at Saint John, came once or twice to visit him ; and some of the glass being broken, he found it convenient to talk with him through the grates at the window ; and the last time took away the night and day glass, as he said, for a debt he was owing him ; but I suspect left an old watch in exchange.

The prisoner continued to complain of a bad cough, and pain from the ill usage which he said he received from Mr. Knox. He appeared to employ himself in reading his bible, and behaved himself with great decency and propriety.

On the 13th of August I received a letter from Mr. CHIPMAN, Clerk of the Circuit Court, directing that the prisoner be examined before two magistrates, and regularly committed.—After proper notice, Judge PICKETT, Mr. Justice KETCHUM, and Mr. KNOX, attended his examination, and the facts found were to the same effect as before related, upon which a regular commitment was made out. In the course of his examination he said his name was HENRY MORE SMITH—Being asked what occupation he had followed in this country ? he answered, No one in particular. Mr. Knox hastily asked him

how he had got his living then? He replied, with great firmness and composure, *By my honesty, Sir.* He was then returned to prison, and showed no anxiety about what had taken place. He complained of pain in his side, and appeared to cough very hollow, but submitted to his confinement without a murmur.

The prison was kept by Mr. WALTER DIBBLEE, a man of learning and talents, who for several years had been afflicted with that painful infirmity the gravel, so that for the most part of his time he was confined to the house, and frequently to his room in the County-House, where he taught a school, which, together with the fees and perquisites of the Gaol and Court-House, afforded a decent and comfortable living for his small family, which consisted of his wife, a daughter, and a son about nineteen years old, named John Dibblee, who constantly assisted his father. It is necessary also to mention that Mr. Dibblee was in high estimation in the Masonic Lodge held at Kingston, of which he was a principal member. Under these circumstances I had but seldom occasion to visit the prison, and, as I lived at the distance of half a mile, did not visit it oftener than once a week, except on special occasions. I am therefore indebted to Mr. Dibblee for some of the particulars related in the subsequent narration.

Shortly after his commitment, Smith was visited by Lieut. A. Baxter, an officer of the New-Brunswick Fencibles, then recruiting at Kingston, who proposed to him to enlist. He spurn-

ed the idea of being permitted to enlist to get out of prison—He was, however, prevailed upon to write to his attorney upon the subject, and received for answer, in very short words, that it was inadmissible, and he advised him to content himself and wait the issue of his trial. He appeared much dissatisfied with the shortness of his answer, and said he did not know what it meant; that the attorney appeared very angry, and that he could not have much to expect from such a man. He was advised to rely with confidence on Mr. Peters, and assured if any thing could be done in his favour it would not be neglected. He never after enquired for his attorney, but set out to free himself from prison by a more summary process than the law. He continued to complain of the ill usage he had received on the road when taken, particularly of a blow from Mr. Knox with a pistol in his side, (as he said) which felled him to the ground like a dead man—that when he came to, he raised blood, and it was some time before he was able to breathe regular—that he continued to raise blood two or three days on the road, and the pain had never left him, but now increased very fast, owing to the cold he had taken—that he believed it was gathering on the inside; that it swelled and was very painful; and he frequently raised blood when coughing. He showed the bruised place in his side, which appeared black, swelled and sore, verifying his complaints. This was about the 7th September.—Finding him so ill, we repaired the stove pipes,

supplied him with fuel, and made the room comfortable. He appeared to complain as little as possible, but lost his appetite, and required light food. His health seemed gradually to decay, and his complaints regularly to increase —Pain in his head and eyes, with dizziness, and sickness at the stomach; puking and raising blood, with great complaints of the soreness in his side, and consequent debility and weakness. On the 11th Sept found him gradually falling away—Sent for a Doctor, who examined his side and other complaints, and gave him medicine.—The 12th he appeared to be something better—13th, at evening, grew worse, pains increased—14th, unable to walk, very high fever—15th, puking and raising blood—16th, the Rev. Mr. Scovil visited the prisoner in the morning; found him very ill; sent him toast and wine, and other things for his comfort—At 3 P. M. the Doctor attended and gave him medicine—At 6 o'clock much the same; unable to help himself—could eat nothing—puked up every thing he took.——18th, the prisoner appeared still to grow worse—Judge Pickett, with several other neighbours, visited him; asked him if he wanted any thing that he could take; he said, nothing, unless it was an orange or a lemon. —19th, appeared sensibly to decline and very low—At 2 o'clock the Doctor attended him; said the man must be removed out of that room; that he was too ill to be kept there, and that it was of no use to give him medicine in that place.— 20th, in the morning, found him no better—At

10 o'clock Mr. Thaddeus Scribner and others went in to see the prisoner; examined the room and found no dampness—4 o'clock, the Rev. Mr. Scovil attended him as a clergyman—Smith told him he had no hope that he should ever recover; that he was born in England; that his parents were formerly of the persuasion of the Church of England, but latterly had joined the Methodists; that he came away on account of the war, and expected his father and mother out.—21st, the Rev. Mr. Scovil and other of the neighbors visited him—found him no better, but evidently falling away, and no hopes of his recovery.—22d, the prisoner very low, and his complaints of the most fatal nature; violent fever, accompanied with agues and chills; his feet and legs cold at turns; great pain, with inflammation in his bowels; nothing but blood had come from him for two days; his weakness increasing, was not able to help himself up or down, and had but just strength enough to speak above his breath—he feared he should die for want of medical assistance, as the Doctor had refused to attend him any more in that place—He had, from his decency and the inoffensive simplicity of his manners, excited the compassion of all who visited him—At 6 o'clock the Rev. Mr. Scovil and a large number of the neighbours came in, and staid until 10; they did not think he would live till morning.—Friday, Sept. 23, went early to the gaol—found the prisoner lying naked on the floor, and in great distress—had fallen through pain and dizziness (as he said)

and could not get himself up—was lifted into his bed almost expired—he continued to decline; could take no nourishment; and could speak with difficulty only to be heard, until 5 o'clock P. M. when he was supposed to be dying—all signs of life were gone long enough to go to another room for a bottle of hartshorn, with which he seemed to revive—Called in the Rev. Mr. Scovil, Mr. Perkins, and Mr. G. Raymond, near neighbours, and Mr. Eddy, from St. John, who happened to be there, and all supposed him dying; he, however, revived, and recovered his senses—He was told that he had had a fit—He said he was sensible of it; that it was a family infirmity; that most of his connections had died in that way, and that he could not survive another, which would probably come upon him about the same time next day; that he should not recover, but God would have him; and asked Mr. Scovil to go to prayer, which he did, and prayer was attended with solemnity by all present. He had had no regular watchers, but it was thought highly improper to leave him alone this night, and John Dibblee and Charles Chambeau were appointed by the sheriff to watch with him; and the following letter was written by the sheriff, and dispatched by Mr. Raymond, to Mr. Peters, the prisoner's attorney:

"DEAR SIR,—I fear we shall be disappointed in our expectation of the trial of the prisoner, MORE SMITH, at the approaching Court, as I presume he will be removed by death before that time. He is dying in consequence of a blow that he received (as he says) from Mr.

Knox, with a pistol, which he has regularly complained of since he has been in gaol, and is now thought past recovery. As it will be a matter of inquiry, and new to me, will thank you to let me know by the bearer what will be the necessary steps for me to take—and not fail, as I have but little hopes of his continuing until morning.

Yours, &c. W. BATES."

The return of the bearer brought the following answer:

"SAINT JOHN, Sept. 24.

"DEAR SIR,—Your favour of yesterday I received this morning, and am sorry to hear so desponding an account of the unfortunate man in your custody. It will be your duty, I conceive, immediately to have a Coroner's inquest on the body, and then cause it to be decently interred. With respect to the charge of the cause of the death, that is a circumstance which must rest wholly on the facts. If any Physician shall attend him, let him be particular in taking down in writing what the man says in his last moments as to the circumstances—and if a Justice should be present it would not be amiss.

In haste, Yours sincerely,

C. J. PETERS.

W. BATES, Esq."

Saturday, Sept. 24th, the watchers reported that he had passed a very restless night, and but just survived the morning. The following note was then sent to the physician who had attended him:

"KINGSTON, Sept. 24, 1814.

"DEAR DOCTOR,—Smith, the prisoner, says that he is suffering for want of medical assistance, and that you will not attend him unless he can be removed into another room, which cannot be permitted, but he must take his fate, and if he dies in gaol an inquiry will take place which may prove to your disadvantage. I must therefore request your attention.

I am truly yours, &c, W. B.

Dr. A. PADDOCK, Jun."

At this time the compassion of the whole neighbourhood was very strongly excited, especially that of the family of Mr. Scovil, who sent him any thing he wanted for his comfort, as did also Mr. Perkins' and Mr. Raymond's families, who were near. Mr. Perkins visited him about 10 o'clock, and kindly offered to watch with him that night, for which he appeared very thankful. About 5 o'clock the Doctor attended him, and gave him some medicine—found him so weak that he was obliged to have him lifted up to give him his medicine, and to all human appearance he was unable to help himself in the least; but the Doctor said he did not think him so near his end as to die before morning, unless he went off in a fit. He was then left to himself, with a probable expectation that he would shortly be taken with another fit, and would undoubtedly expire. About 6 o'clock in the evening the Rev. Mr. Scovil observed to his family that it was about the time that Smith had his fit yesterday, that he thought it probable he would die suddenly, and that he would walk over to Mr. Dibblee, at the gaol, and be ready there at the time, as it would be unpleasant to him to be alone. This so much raised the sensibility of Madam Scovil, she could not bear the reflection that a child, perhaps, of respectable parents, should lie so near to her, in a strange country, and die upon a bed of straw —so calling her wench *Amy*, here, said she, take this feather bed and carry it to the gaol, and tell your master I have sent it for Smith to

die on. Mr. Scovil had not been in the house and set down with Mr. Dibblee but a few minutes, when a noise was heard from Smith in the gaol—John Dibblee, who constantly attended him, ran in haste, unlocked the prison door, and found Smith expiring, his feet and legs cold to his knees, and in great pain—He begged of John to run and heat a brick that was near, to give one moment's relief while he was dying. John, of course, ran in haste from the gaol, round the stairway, through a passage that led to the kitchen, where was a large fire of coals, into which he put the brick, waited not more than three minutes, and returned with it warmed, but to his indescribable astonishment FOUND NO ONE IN THE BED. He ran with the tidings to his father and the Rev. Mr. Scovil, (who were sitting in a room by which he must have passed to go out) who could not believe the report, until they had examined and found that *not only the man was gone, but every thing he had in the room was taken away with him.*—On going out and looking round the house for him, Mr. Scovil met Amy with the feather bed, who said to him, Misses send the bed for Smith —Her master told her to take it home, and tell her mistress Smith was gone. Amy ran home and told her mistress, Massa say Smit gone; he no want em bed—Ah! exclaimed her mistress, poor man! is he dead! Well, Amy, then you may run and carry over a shirt and a winding sheet to lay Smith out in. Amy ran over and told her master accordingly—You may take

them back, said he, *Smith is gone*—Where he gone, massa? I don't know, said he, without the devil has taken him off—So great was his astonishment at the deception. In the mean time the alarm spread in the neighborhood, and a Mr. Yandle, who happened to be passing, was sent with the tidings to the Sheriff, whom he met on his way to the gaol, to see the last moments of Smith. Being told that Smith was gone—Poor fellow! said he, I expected it; what time did he die?—But he is *gone off clear!*—It is impossible he can be far out of bed. Why, said Mr. Yandle, on passing, I saw them all out about the gaol looking for him, and no one could tell which way he had gone. Unparalleled and abominable deception!—How did he get out of gaol? He believed John Dibblee left the door open, and while he was gone to heat a brick, Smith made his escape. This was our first introduction to the true character of Henry More Smith; and it is impossible to express, or even to conceive, with what wonderful plausibility he imposed a feigned illness upon all who saw him as a profound reality.

In order to explain his further progress the reader should have some knowledge of the country.

Kingston is situated on a neck or tongue of land, formed by the long reach of the river St. John and Bellisle Bay, running north east and south west, on the east side—and by the river Kennebeceacis running the same course on the west side, and emptying into the Grand Bay of

the river St. John, about five miles from its mouth—leaving a tract of land between the two rivers, of about five miles in width, and upwards of thirty miles in length. The winter road by ice, from Frederickton (the seat of government) to the city St. John, crosses the land to the Kenebeccacis, and is inhabited on both sides. This road is intersected in the centre by another, running north east, about seven miles, and thence branching easterly, crossing the Kennebecasis at the distance of thirty miles, leading through the county of Westmoreland, heading the bay of Fundy at Cumberland; and leading from thence, by different roads, to Halifax, Pictou and every part of Nova-Scotia. The western branch of said road running northerly to the head of Belisle Bay, thence to the Washadamoac lake; crossing the ferry, from thence to the Jemsag Creek, and thence to Frederickton by land, through Maugerville, on the east side of the river St. John. At the intersection of these roads, on an eminence, stand the Church and the Court-House, (under which is the prison) fronting each other. There is also a road running north west, and south east, from the Gaol, leading westerly to Bellisle Bay, crossing a ferry at the distance of five miles; thence to a short ferry at Tenant's Cove, thence to the ferry crossing the river St. John; and from thence through Gage-Town, on the west side the river, to Frederickton, distant sixty miles:—the said road leading southeasterly from the Gaol to the ferry over the Kennebeac-

sis ; and from thence on the west side of the river to the city St. John. The house of Mr. F. Newman Perkins, standing northerly at the distance of ten rods from the Gaol—at an equal distance southerly, the house of the Rev. E. Scovil, and other houses in different directions —the land all clear, and no shelter for a considerable distance, but fences.

From this situation the prisoner escaped without any track or trace of him being discovered. After searching the fences and fields, and finding nothing of him, it was concluded that he had gone either toward St. John, or on the road to Nova-Scotia, by which he came. Accordingly men were sent to the ferry, and on the road to Saint John—and I, with Mr. Moses Foster, Deputy Sheriff, pursued on the road toward Nova-Scotia, with all speed ; setting watchers in different places, until we were sensible we must have passed him ; and arriving at a house that he could not pass without coming very near, we watched for him all night. At day-break, hearing nothing of him, I furnished Mr. Foster with money and sent him on the road, with directions to proceed on to Mr. M'Leod's tavern, distant 40 miles, and if he got no intelligence there, to return ; and returned to Kingston myself, where I was informed, toward evening, that a man who answered his description, had crossed the ferry at Bellisle Bay, in great haste ; said he was going express to Frederickton, and must be there by ten o'clock next morning ; and no doubt it was the man. It was now Sun-

day evening ; he had twenty-four hours start, escaping for life, had got out of the County, and no hopes remained with me of apprehending him—I, however, forwarded advertisements after him, offering a reward of twenty dollars, to any one who would apprehend, and bring him back.

Monday morning, the 26th, Mr. Moses Foster returned, of course, without success ; and many unfavorable reports began to circulate respecting his escape—and I felt myself not a little chagrined with my situation. A Court of Oyer and Terminer and General Gaol delivery having been ordered, and the Jury summoned from all parts of the County, to attend at the Court-House on Tuesday following, for the special purpose of trying the horse stealer, my whole attention was required to make the necessary preparations ; and added not a little to my chagrin and disappointment—But still more when, on Tuesday morning, I was informed by Mr. E. Jones, that the villain, instead of escaping for his life, and getting out of my reach in the most secret manner, had only travelled about ten or twelve miles the first night, and was seen next morning lying on some straw before the barn of Mr, Robert Bailes, on the road toward Gagetown ; and that he lay there until about twelve o'clock in the day—and seeing Mr. Bailes and his wife, going from home, leaving the door unlocked, and no person in the house, he went in, broke open a trunk, and carried off a silver watch, eight dollars in mon-

ey, a new pair of velvet pantaloons and a pocket book, with other articles; that he then walked leisurely away, and stopped in at the next house, and at all the houses that were near upon the road, and did not get more than three or four miles before dark—when Mr. Bailes came home, found his house had been robbed, and by the track of the heel of his boot, thought he was the man. He alarmed his neighbours, who pursued him in great spirit, hearing of him on the road but little ahead of them, and expecting to overtake him in a few minutes; but were disappointed, as he disappeared from the road, and no track or information could be found, and after the most diligent search and pursuit as far as Gagetown, returned the next day without any intelligence, leaving advertisements at Gagetown and Frederickton, describing the man and the watch. Late on Sunday night, a man came to the house of Mr. Green, living on an island, at the mouth of the Washedemoac lake, who said he was a Frenchman, going to Frederickton after land, and came in to inquire the way—Mr. Green informed him he was on an island, and he might stay till morning, and then he would put him in his way; made up a large fire, by which the man examined his pocket book, and was seen to burn several papers, and at last, threw the book into the fire and burned it up; which caused a strong suspicion in Mr. Green, it being in time of war, that he must be a bad character; and in the morning he took him in his canoe, and

paddled him directly to justice Colwell, a neighboring magistrate, to give account of himself—where, on examination, he appeared to answer with so much simplicity, that the justice could find nothing that would justify detaining him; and so inoffensive, that there could be no harm in him; and in consequence, let him go—that he went to an Indian Camp, and hired an Indian to take him, (as he said) to Frederickton; and crossing the river, went to Mr. Nathaniel Veal's tavern, on Grimross Neck, nearly opposite Gagetown, where Mr. Bailes, who he had robbed the day before, was getting his breakfast, and writing advertisements in pursuit of him. The wind blowing hard ahead, he called for breakfast for himself and his Indian; staid sometime; had his boots cleaned; and about eleven o'clock left there, taking with him a set of silver tea-spoons, from a bye closet in the parlor of Mrs. Veal, and nothing had been heard of him since. Four men, with my advertisements went in pursuit of him.

About eleven o'clock, Tuesday morning, the Attorney General arrived from Frederickton, with very unfavorable impressions on his mind; bringing information, that the prisoner was still traversing along shore, stealing wherever he came, and not apprehended. The Jury also were collecting from different parishes in the County, and brought with them unfavorable ideas, from the reports in circulation, respecting the escape—Among which, was a report studiously circulated, that the prisoner was a Free-

mason, and that it was believed the Masons had contrived to let him escape, because he was one of their order.

The public mind became so prejudiced, that we could say nothing in our own justification, but the plea of his deception, which no one could believe, except those who saw it. As the prisoner escaped through the door, strong suspicion was entertained of a voluntary connivance at his escape. With such impression the Court assembled. His Honor Judge CHIPMAN presided. The most favorable hope and expectation was entertained that the prisoner would be apprehended, and brought before the Court, as he was pursued in all directions. After the Grand Jury were impannelled and sworn, the Court adjourned until eleven o'clock next day, waiting the return of the prisoner—To hasten which, I despatched Mr. Benjamin Furnald, with a boat, and directions to pursue him as far as he could hear of him, until he brought him back—Wednesday the Court met, and went to other business—heard nothing of the prisoner—In the afternoon, Mr. John Pearson, witness against the prisoner, arrived from Nova-Scotia, a distance of 280 miles—Toward evening, reports began to circulate that the horse stealer had evaded all his pursuers, and had disappeared.

No account could be heard from him up the river St. John, and strong suspicion was had, that he was making his way back for Nova-Scotia—and it was reported that a man had been

seen crossing the Washedemoac to Bellisle Bay with an Indian ; but nothing to be relied on. The Court adjourned until next morning at ten o'clock—Nothing more was heard until Thursday, early in the morning, when Mr. B. Furnald returned, and reported, that he pursued him through Maugerville ; that he lodged the night before he arrived at Mr. Solomon Pearley's, and stole a pair of new boots ; had offered the spoons for sale to Mr. Pearley ; that he then walked up as far as Mr. Bailey's tavern, where he stopped some time, and from thence was seen, towards night, under a bridge, counting his money. No farther track could be discovered of him, in that part ; and it was believed he had taken an Indian to pilot him, and gone by the way of the Washedemoac, and head of Bellisle, for Nova-Scotia. At ten o'clock Thursday morning, the Court met according to adjournment, to conclude the business then before them, with but little hope of seeing the horse-stealer ; and of course, a gloomy appearance on our side—when about three o'clock in the afternoon, a servant of Mr. Knox came express to the Court, with information to his master, that his other horse was missing out of the pasture ; that he was seen at one o'clock at night, and was gone in the morning ; that a strange Indian had been seen about the place, who it was believed had piloted Smith through the woods ; upon which a general alarm took place. Mr. Knox was quite outrageous, would hear nothing to the Sheriff, who doubted the re-

port ;—would bet a thousand guineas that Smith had stolen his other horse ; that he knew him to be the greatest villain upon earth ; and that his life was in danger, if he was suffered to go at large ; and the whole Court were in consternation—His Honor the Judge observed that great remissness of duty appeared—A bench warrant was issued by the Court, directed to all the Sheriffs and ministers of justice throughout the province of New-Brunswick, commanding them to apprehend the said More Smith and bring him to justice—Mr. Knox, with Henry Lyon and Isaiah Smith, went in pursuit of him toward Nova-Scotia ; Moses Foster, deputy sheriff, and Nathan Deforest, were dispatched by the head of Bellisle Bay to Frederickton, and directed to pursue on to the American settlement, and as far as they could get any information of him. The Sheriff then wrote an advertisement for the public papers, offering forty dollars reward, and the Attorney General added forty more, which made the reward eighty dollars. *Indictments were prepared, and the Grand Jury soon found a bill against the Sheriff and Gaoler for negligent escape ;* and they were recognized to appear at the next Court of Oyer and Terminer and General Goal Delivery, and traverse the indictments.

The business before the Court being nearly finished, after paying the witness, Mr. Pearson, for his travel and attendance, amounting

to one hundred dollars, the Court adjourned without day.

Nothing was heard of our adventurer until after the return of Mr. Knox with his party, from a fruitless pursuit of ten days, into the province of Nova-Scotia, as far as Rushabucteau. The day following, Mr. Foster and Mr. Deforest returned, and reported, that they had pursued on to Frederickton without hearing any thing of him, until they past Frederickton about three miles, where they heard of a stranger having staid all night at a private house, that answered his description, and had gone on the road toward Woodstock, and pursuing on, found he staid at Mr. Ingraham's tavern the next night, slept till late next morning, being fatigued, paid his bill and went off, having previously opened a trunk that was in the room adjoining where he slept, and taken away with him, a full suit of new black clothes of Mr. Ingraham's that cost forty dollars, a silk cloak, with other articles, which he concealed so as not to be discovered. This intelligence left no doubt of his being the person they were in pursuit of. Mr. Ingraham, not missing his clothes immediately, had not pursued him.

The next day he went only as far as Mrs. Robertson's, where he found a collection of young people—played the fiddle for them, and staid the next day and night. He then proceeded towards Woodstock, leaving the spoons with Mrs. R. and taking a shirt—took passage in a canoe, and happened to fall in company

with another, that had been at Frederickton, in which was passenger the Rev. Mr. Dibble, missionary at Woodstock, with a young man poling his canoe. The young man had seen at Frederickton the advertisement of Mr. Bailes, describing the man and the watch, which had a singular steel chain, and observed to Mr. Dibble that they both answered the appearance of the stranger. Being close along side, Mr. D. asked him the time of day—Being told, he asked him to let him look at his watch, observing that he might be mistaken. He very readily gave it him, and it was found so exactly to answer the description that he challenged it as the property of Mr. Bailes. Smith very deliberately said it was a favorite watch that he had owned a long time, but if he had heard of one like it being stolen, he had no objection to leave it with him till he returned, which would be in about two weeks. Mr. D. replied that the suspicion was so strong, by what the young man said from the advertisement, that he thought he would detain him also, until he could hear from Frederickton. He answered that he was on important business and could not be detained; but if he would pay his expenses and make himself responsible for damages incurred by his detention, that he had no objection to stop till he could send to Frederickton——otherwise, he should be back in ten or twelve days, and by that time he might be satisfied, and he would leave the watch until his return. He appeared so indifferent and unconcerned, and talked so

plausibly, without exhibiting one sign of guilt, that they let him go, but kept the watch as a pledge for his return. He continued on through the settlement of Woodstock until he came to the road that leads to the American settlement; being near night, he was asked by a man of whom he inquired the road to tarry all night, as he could not get to the settlement till late, the distance being 12 miles—He said two men had gone on before him, on their way to the United States, and he feared they would leave him in the morning, and went on. It happened, a short time after they parted, that two young men arrived there from the settlement; being asked if they met two men on the road, they said no. It was then concluded Smith was a deserter. They turned about and pursued after him to the American side, but found nothing of him. The day following, Mr. Foster and Mr. Deforest arrived at Woodstock, and went on to the American settlement, but could hear nothing of him. They informed the inhabitants of the character of Smith, described him, and offered a reward of £20. The people seemed well disposed, and promised, if he came that way, to secure him.

Messrs. F. and D. then returned to the river St. John, and again got track of the prisoner—found he had crossed the river, stopped at several houses for refreshment, and called himself BOND; enquired after a thief that had broke gaol at Kingston; said he was a notorious villain, that he would certainly be hanged, if tak-

an, and that he was in pursuit of him. They traced him down the river to an Indian camp, where they found he had agreed with an Indian to pilot him through the woods to the U. States by the way of Ell River, a rout frequently travelled, and had finally escaped; upon which they thought proper to return, and make their report.

It appeared afterwards, that the Indian, after travelling a day or two on his rout through the woods, probably finding that his journey would not be very profitable, and discovering Smith to have a pistol, began to be jealous of him, refused to pilot him any further, gave him back part of his money, and returned. Smith, of course, was obliged to return with him, and try his chance the other way, by the American settlement, where he arrived about the 10th of October, in the morning, said he was in pursuit of a deserter, and wanted some refreshment—While his breakfast was preparing, notice was given among the inhabitants, when Dr. RICE, a principal character there, caused him to be taken and secured. The clothes he had stolen from Mr. Ingraham he had on, except the pantaloons, which he had exchanged for a pistol—He said he purchased the clothes, very cheap, of a man who, he believed, was a Yankey.—He was then placed in charge of Mr. A. Putnam and a Mr. Watson of Woodstock, and ordered back to Frederickton. On their way they stopped with the prisoner at the Attorney-General's, about three miles from Frederickton, and then

proceeded into town, where the Supreme Court was then sitting. He was brought before the Court, and a large number of spectators. The Hon. Judge SANDERS asked him his name—he said, *Smith*. Are you the man that escaped from the gaol at Kingston?—*Yes*. He was then ordered to prison. Being asked how he made his escape, he said, *the gaoler opened the door, and the priest prayed him out* The day following he was remanded to Kingston gaol—— Putnam and Watson sat out with him in an Indian bark canoe, one sitting at each end—He was handcuffed, pinioned, and tied to a bar of the canoe, in the centre. They were obliged to watch him the first night. The next day they arrived at the house of Mr. Bailes, opposite Spoon Island, where he had stolen the watch, &c. It was near night, and the passage to Kingston difficult—They being strangers, Mr. Bailes told them if they would stop till morning he would pilot them down—They accordingly stopped, and having been up all the night before, Mr. B. said they had better lie down and get some rest, and he would watch the prisoner with his family. Smith enquired the way to St. John, if there were any ferries on this side the river, &c. and asked for a blanket and leave to lie down—Mrs. B. made him a bed on the floor—He then said he had occasion to go to the door—and Mr. B. awaked Watson, who got up to attend him—Smith told him, if he had any apprehensions, he had better tie a rope to his arm, which he did, above the handcuffs, and

with the other end wound round his hand, they went out—In an unwary moment, Smith seized the opportunity, knocked him down with his handcuffs, and went off, leaving the rope in the hand of Watson, having slipped the other end over his hand, tied the same as it was put on.

The night being very dark, no discovery was made which way he escaped. The next morning was rainy—Mr. Putnam came to the sheriff at Kingston with the report, who supplied him with money, and he went in pursuit toward St. John by the Long Reach. The sheriff, with two men, proceeded to Bailes'—found he had taken the rout toward Frederickton—had crossed the Oaknabock Lake the first night in haste; said he was going to purchase land, and had agreed with Putnam and Watson, who had *gone to Kingston with the thief*, to take him up in their canoe on their return, and was to meet them at the intervale above early next morning. We had then no doubt he was making his way to the Oromucto, the only remaining passage to the United States. Watson had gone in pursuit that way. Being informed that a canoe had been taken from the shore above where he had crossed the Lake, and was found on the shore of the Bellisle, it was again suggested that he had made his way toward Nova-Scotia on that rout, as it was thought he would not return to Frederickton, where he was known. Pursuit was made that way, but we found no trace of him.

Nothing more was heard of our adventurer until about the 26th of October, when it was

found that, instead of going off, he had made his way direct to Frederickton. The first day being wet and cold, he came to a small house, in a bye place, where no one lived. An old man, named Wicks, and his son, were there at work, repairing the house and getting in some potatoes. He came in, wet, cold and hungry. Wicks told him he did not lodge there, but if he would go with him to the next house he could stay all night. He replied that he must go 8 or 10 miles further that night, and went away, as did Wicks and his son. The next morning it was found Smith had turned back and staid all night; had burnt all the wood; roasted a parcel of potatoes, and was seen at day light, travelling toward Frederickton. The next night he came to the house of a Mr. Wilmot, where, it appeared, he went in, and finding a washing of linen clothes, just sprinkled for ironing, he made seizure of the whole, together with a coat belonging to a young man in the house, and finding them rather burdensome, took a horse, saddle and bridle, and proceeded on his journey. Within two miles of Frederickton lived Jack Patterson, a mulatto man, who had a barrack or hovel full of hay—Here Smith concealed himself and his booty, giving his horse some hay, and letting him run upon the common during the day, at night catching him and riding into town in the full fruition of unrestrained liberty. Thus he continued for several days, committing frequent depredations. At length he determined to pay a visit to the Attorney-

General, about three miles above, where he was acquainted, having stopt there on his way down. He arrived between 8 and 9 o'clock in the evening, and knowing the form of the house, went boldly into the hall. There being much company in at the time, his modesty would not permit him to intrude amongst them, but he paid his respects to their loose garments, the whole of which he carried off, consisting of five great-coats, three plaid cloaks, tippets, comforters, and other articles. He returned through the town to his deposit. Having made a fine booty at the Attorney General's, he gave his horse a large allowance of hay, that he might the more willingly stay by him for the next night's service ; but, unfortunately for him, his generosity to his horse, led to his discovery. The negro seeing the hay lying in an unusual manner out of the window of his barrack, supposed that some person had been in to sleep ; and going in, found Smith lying in the hay, with a white comforter or tippet about his neck, and seeing him a stranger, asked him where he came from ; he said, from the Kennebeccasis, and was going after land, had got belated, and had slept in his hay ; he hoped it was no harm—but on the negro going to the house, Smith slipped out of the window and made toward the woods—The mulatto supposing him a deserter, called for help, and soon apprehended him, as he did not appear to make much exertion to escape. It was soon discovered who he was, and he was committed to gaol at Fredericktom. The mulat

to not finding the tippet with him that he saw about his neck, was induced to look in the hay for it, and thus discovered the secret deposit, which contained all the articles mentioned, and many more, which the owners had the good fortune to recover. He gave them no satisfaction; said a soldier brought them there in the night, and rode a little black horse, and left the saddle and bridle.

He was then ordered to be taken by the Sheriff of York, and safely delivered to the Sheriff in the gaol of Kings County. Accordingly, the Sheriff prepared for his safe conveyance, an iron collar made of a flat bar of iron, 1 inch and a half wide, with a hinge and clasp, fastened with a padlock, which he put around his neck, with a chain about ten feet long fastened to it; put a strong pair of hand-cuffs upon his hands; and with the negro Patterson holding the chain (*after searching to see that he had no saws or other instruments,*) sat off with him on board a sloop, and the wind being favorable, arrived safe at Kingston, sixty miles distant, about 12 o'clock, on the night of the 30th October, 1814. He appeared as composen as if nothing had happened. The next morning we took him to the gaol, where he was the first man that entered, knowing perfectly the way. The room had been swept clean of every thing, and searched closely after his escape; in doing which, we found the remains of several wheels of a watch, the barrel in particular, that contained the main-spring, which

convinced us that he had procured it while he was in gaol, from the young man that took away the spy-glass, and was intended to effect his escape. We also found a knife, which he had cut in two, no doubt with a saw which he had made of the main-spring, which gave us strong suspicion that he must have saws about him, probably concealed in his clothes.

Mr. Barton had searched him before he left Fredericktown. However, I took off his handcuffs and ordered him to strip off his clothes, which he did without the least reluctance, to his shirt. We then searched the sleeves, wristbands and collar of his shirt, and the hair of his head, that we might be sure that he did not bring the smallest thing to effect his escape again—We then put on him other clothes, and took and carried out of the goal all the clothes he had on him when he came, hat, shoes, and every article that he brought with him.

The prison in which he was confined, was 22 by 16 feet, built of stone and lime, wall three feet thick on three sides; the other side being the partition wall between the two prison rooms, was timber, twelve inches thick, lathed and plastered on both sides; the prison plastered with lime on every part; the floor was of timber ten inches square, on which rested the side wall; the door was of two inch plank, made double, and lined with sheet iron, hung on three iron bar hinges, three and a half inches wide, clasping over staples in the opposite post, and secured with three padlocks, with a small iron

wicket door, secured also with a padlock—There was one window through the stone wall, iron grated within and without, enclosed with glass outside, so that no conveyance could be had undiscovered—The passage that leads to the door, is about twenty feet in length, and three feet in width, secured at the entrance by a padlock on the door; the outside door also so locked, that no communication could be had, without going through three doors, the keys of which were always kept by the gaoler; who, being in an infirm state of health, never left the house day or night; and having had much trouble in consequence of his escape, was now uncommonly strict: no person was permitted to speak to him. In that situation, I put on him one iron shackle on his right leg, with a chain just long enough to reach the necessary, and to take his provisions from the wicket door, stapled in the timber of the floor near the partition wall, so that he could not come to the grates by five or six feet; and allowed him a bunk with straw and blankets to sleep on—After these precautions, he was thought perfectly safe. His wrists being much swelled, took off his handcuffs; told the gaoler to look to him frequently at the wicket door, and see that he remained secure, and that I would visit him occasionally—The gaoler always found him sitting up in his birth reading, or lying down, and made no complaints. I visited once or twice a week, and to see that his fetters and chain remained secure, ordered him to come

to the door, which he always did, without any reluctance. He appeared comfortable, and satisfied with his situation, without saying a word about the fate of his cause. Under these circumstances, began to calculate that we should keep him safely, until a Court would be ordered for his trial, without any material difficulty. On the twelfth day, I was informed that Mr. Newman Perkins heard a strange noise in the night, which induced him to believe that Smith was at work at the grates—On enquiry, Mrs. Perkins said she had heard a noise like rubbing or filing late in the night, and by putting her head out of the window, she thought she discovered it to be at the gaol; which appeared altogether improbable, knowing the situation of the prisoner, and the impossibility of his having any thing to work with. I went immediately to the gaol—Moses Foster, George Raymond, Allen Baston, Mr. Dibblee and others, were with me—it was then evening, and we had two or three candles—the gaoler opening the door, on going in, I found him lying in his birth, chained, just as I left him; and said to him, Smith, you have not got out yet—He answered No, *not quite*. I then examined every bar of the grates, as strictly as possible; as did also every one present, again and again, until we were all satisfied the alarm must be imaginary —Smith lying quiet, answering readily any question asked him. Mr. Allen Baston, however, continued searching the inner grate. There had been observed by all, a small chip lying on

one of the flat bars of the outer grate, and supposed to happen there accidentally—Mr. Baston being fully satisfied in viewing the inner grates, his fancy led him to reach through and take off the chip on one of the outer grates, in doing which, he perceived it to hang a little, which led him to further examination, when he discovered the bar of the grate cut one third off, and concealed with the feather edge of the chip, which astonished all present, knowing it could not be done without first getting through the inner grates; on proving which, we soon found that he had so neatly cut one of the bars, that he could take it out and replace it, at his pleasure, and conceal it in such a way, that it could not be observed; and would undoubtedly have completed his escape in two or three nights more. I then asked him what he cut the grate with; he answered with indifference, with *this saw* and *this file;* and without any hesitation, handed to me out of his birth, a case knife, steel blade, cut in fine teeth very neatly, and a common hand-saw file. I then asked him how he got to the grates, and whether he had slipped the shackle off his foot—He said No, he had *cut the chain;* and calmly shewed me where he had cut the chain in the joint of the links, where it could not be readily discovered. I then asked him where he got his tools—he said he left them when he went away from here; and that they were all the tools he had—but we perceived from the shape of the knife, being so much thicker on the back than the edge, that

the bars were never cut so nicely without some other tool ; and on a strict search, we found in a broken place of the wall, near the grates, a neat watch-spring saw, with a string at one end. I asked him who gave him those tools ; with great indifference he answered, you need not ask me that again, for I never will tell you. I then renewed the chain to his leg, put the iron collar about his neck, and stapled the chain to the floor, with a heavy pair of hand-cuffs, with 7-8 bolt, on his wrists, all of which he received very willingly. After searching his bed and clothes, we left him on Saturday night about eleven o'clock. Sunday, at four o'clock, I was at the gaol ; the gaoler informed me he was lying in his birth, with all his irons on, had been enquiring if the Sheriff was not coming to examine his chains. About twelve o'clock the same night, I was alarmed by a man sent by the gaoler, informing me, that Smith had got loose from all his irons, had got through the inner grate, was cutting the outer grate, and had nearly escaped—that from the vigilance and attention of Mr. Dibblee, the gaoler, he was discovered to be at work, about ten o'clock at night ; by silently moving towards the prison, he got to the door undiscovered, and with a candle at the end of a stick of a yard long, in an instant opened the wicket door and shoved the light into the gaol, while Smith was yet at work ; the gaoler ordered him to leave every thing, and take to his birth ; he very calmly complied ; but returned suddenly to the grates,

which were in a situation out of the sight of the gaoler, and then went quickly to the necessary, and threw something down, which the gaoler heard. and then came to his bed ; the gaoler watching him until the Sheriff came. On going into the gaol, I found he had extricated himself from all his irons, had got through the inner grates with all his clothes, and in the act of cutting the outer grates, which he had cut two thirds off, and would have effected his escape before day light. I said to him, Smith, you keep at work ; he said that he had done work now ; and that all his tools were down the necessary—which, by letting down a candle, was strictly searched, but nothing discovered. He was then stript of every rag of clothing, except his shirt, which were searched, every hem and seam ; his birth knocked all in pieces, removed out of the gaol, and searched in every joint and split, and the room swept critically, for watch-spring saws, which we suspected he had ; but nothing was discovered— We then replaced all his chains with padlocks, put on him a pair of screw handcuffs, which confined his hands close together ; and then left him, at four o'clock on Monday morning. On Monday, Mr. John Jarvis, blacksmith, had mended the grates, and came to put them in. We found Smith lying on the floor, apparently in the same situation that we had left him ; but on examining his handcuffs, found them cut in two, and that he could put them off and on when he pleased. Being asked why he destroyed his

handcuffs; he said they were so stiff that nobody could wear them. No doubt then remained that he must have his saws concealed about his body. Doctor Paddock being present, was requested to examine him. He stript off his clothes without any reluctance, and on taking off his shirt, the Doctor discovered a muslin strip, tied about his thigh, close to his body, so hard that it could not be discovered by rubbing the hand over it, which concealed on the inside of his left thigh, a fine steel saw plate, two inches wide, and ten inches long, with teeth cut on both edges; no doubt of his own make. After this discovery, we put on him a light pair of handcuffs, and secured his chains with padlocks, and set four men to watch him the whole night. The next day secured the inner grate with hard bricks, filling the squares of the grates, and wedging them from behind; and filling the space between the grates solid with brick, lime and sand, leaving only one space at the upper corner, five by four inches, with a square of glass plastered with lime in the middle, and glass also in the sash without, which prevented all possible conveyance to him undiscovered—this space, through a wall three feet thick, conveyed little or no light, and left the room a complete dungeon, so that he could not be discovered from the door at any time of day without a candle; and we never after went into the gaol without two candles, and three or four men. On the 13th Nov. I addressed a let.

ter to Judge Chipman, and received the following answer :

St. John, Nov. 14, 1814.

Dear Sir—I have received your letter of yesterday's date, relating to the new attempt of H. M. Smith to escape—I have forwarded the same to Frederickton. I presume that a Court will be ordered for his trial, as soon as it may be practicable from the state of the travelling, and the necessity of procuring the witness from Nova-Scotia, though, I should suppose, probably not before the ice makes. In the mean time, the utmost vigilance and precaution must be made use of to secure him ; and you will be justified in any measures of severity that you may find it necessary to adopt for this purpose. I am, dear sir, very faithfully yours,

W. Bates, Esq. W. CHIPMAN.

Wednesday, Nov. 16th—went into the gaol and found he had injured the room by beating the plaister off the partition wall with his chain; had broken one of the padlocks, and appeared to have been loose ; seemed very vicious ; said he would burn and destroy the building ; he would make it smoke before he left it, and we should see it. I then procured a pair of steel fetters, well case-hardened, about ten inches long, with a chain from the middle stapled to the floor ; a chain from the neck collar to the fetters ; the shackles around both his legs well riveted ; and his handcuffs riveted to the chain from his neck. The whole of the irons and chains he received without showing the least reluctance or concern. The blacksmith, after he had finished rivetting them, said to him, " Smith, I would advise you to be quiet after this, for if you are not you will have an

iron band put round your body, and be stapled fast to the floor"—He calmly replied, *Old man, if you are not satisfied, you may put it on now—I do not regard it—if you will let me have my hands loose, you may put on as much iron as you please.* In this situation, loaded with irons, without any thing to sit or lie upon but the naked floor, he was not the least humbled, but grew exceeding noisy and vicious, seemingly very spiteful to the gaoler, who, in return, having had so much trouble with him, showed him but little favour or compassion. He soon began to roar and rave with madness, and would take little or no notice of any thing said to him, sometimes praying and repeating texts of scripture, till at length despair seemed to combine with madness, when, with a tremendous voice, he would cry out—O thou cruel devils! thou murderers! man-slayers! thou tormentors of man! How I burn to be revenged! Help! help! help! Lord help me to be avenged of these devils! help me, that I may tear up this place! that I may turn it upside down! that there may not be one stick of it left! My hair shall not be shorn, nor my nails cut, till I grow as strong as Sampson; then will I be avenged of all my enemies! Help! help! O Lord help me to destroy these tormentors! these murderers of man! tormenting me in chains and darkness! (Hallooing and shouting) Darkness! Darkness! O darkness!—Not light to read the word of God! Not one word of comfort from any one! All is, you rogue, you thief, you villain! you deserve

to be hanged! No pity—not one word of consolation! All darkness! All trouble! (Singing) Trouble, trouble, trouble, trouble——O God! help me, and have mercy on me! I fear there is no mercy for me!——Yes! there is mercy! It is in Jesus, whose arms stand open to receive me! but how shall I dare to look to him whom I have offended! Then he would call upon his parents, and deprecate his wicked life; then rave again—Murderers! Tormentors! Consider you have souls to lose as well as I, a poor prisoner! Consider you have children that may be brought to trouble as well as me! Consider I have parents! If they knew my situation it would kill them!—My wife! Begone from my sight! why will you torment me! It is for you I suffer all my sorrow! It is for you my heart bleeds! It is for you only is all my trouble!—Not a friend comes to see me; nothing before me but pain and sorrow, chains and darkness, misery and death! O wretched me! how long am I to suffer in this place of torment! Am I to linger a life of pain and sorrow in chains and misery! No! I will cut the thread of life, and be relieved from this place of darkness and trouble! (singing) trouble, trouble, trouble, a thousand times repeated. He continued in this strain a considerable time, and would not answer when spoken to, or take the least notice of any one present, until he grew very hoarse, and at last *he left off speaking at all, on any occasion.*

The weather growing cold, I allowed him his

bunk again, and made him a comfortable bed. He made one attempt to hang himself, by making a rope out of his blankets, which were taken from him. He then attempted, for three or four days, to starve himself, but gave that over.—He lay in his bed most of the time, day and night, without committing any act of violence, until the 16th of December, when, on going into the prison, I found he had broken the iron collar from his neck, and drawn the staple from the timber, returning it slightly to its place, so that it would not be readily discovered. On the 17th, put a chain about his neck and stapled him to the floor, in a situation to prevent him from reaching either of the staples. In this situation, his wrists being galled by his previous exertions, and very much swelled and sore, he remained more quiet, hallooing occasionally, until January 15th—The weather being very cold at this season, and having no fire, he was in danger of freezing. I took off all his irons except his fetters and handcuffs, for which relief he showed not the least thankfulness or acknowledgment, but grew more noisy and troublesome, especially at night, so much so that no sleep could be had for the strange noises he would make—not like the human voice, but by such tremendous screeches and howlings as were never heard before, without uttering a word. In this manner he continued five months, committing many outrages upon himself and his chains, doing many curious and astonishing acts, as will be related, and during all which time

he could never be provoked or surprised to speak one word, and took no notice of any person, or any thing done or said to him, any more than a dumb or senseless creature. He had the New Testament, which he kept by him, and a leaf in it was observed to be turned down; on examination it proved to be at the 3d chapter of Corinthians, beginning in these words, "*And I, brethren, could not speak unto you*," &c.

The weather being extremely cold throughout the month of January, fears were entertained that he must perish without fire, presuming that no man could keep from freezing in his situation. I visited him almost every day, and examined his hands and feet, but never found him cold. He kept in his bunk night and day, and his chains always felt warm. He made no more attempts to escape until February, when the weather began to moderate a little, and he became more restless and troublesome. Early in the month he began to tear off the lime wall and lathing from the partition; broke every thing he could get hold of; a strong iron-hooped bucket, that held his drink, he broke all in small pieces; not a piece of the iron hoops was left more than three inches long; and when the gaoler came to the wicket door with a candle to see him, he would throw the pieces with such dexterity as to put out the light, although handcuffed. He continued, as the weather moderated, to grow more noisy and vicious. On the 10th I received the following note from the gaoler:

"DEAR SIR,—There must be something done with Smith—He is determined to let me know what he is, if no one else does—He sleeps in the day time, and when I go to tell him to keep quiet at night, he yells so as not to hear what I say. Instead of thanks for taking off his irons, he makes all the noise he can by yelling and screaming all night, and knocking very loud with some part of his irons. I wish you would come up early and advise what is best. W. DIBBLEE."

On going into the gaol, found his irons on whole and safe; and to prevent him from using his hands so freely, locked a chain from his fetters to his handcuffs, and left him. On Sunday the 19th, two gentlemen from Nova-Scotia, who had been requested by his wife to make some enquiry after him, called upon me. I persuaded them to go with me to the gaol, to see if he would speak, or take any notice of them or any thing they might say to him from his wife. They said a great deal to him—told him his wife wished to know his situation, and if he wished her to come to him; what she should do with a colt he had left; if he would have him sold, that he would fetch 200 dollars, &c. but all made no impression on him any more than if he was a dead man, which convinced us all that if he should be hanged he would go to the gallows without speaking a word, or changing his countenance.

The week following he grew more restless and vicious, and the next Sunday, on going into the gaol with Mr. Ruloffson and Mr. Griffith from Woodstock, found Smith had broken up part of his birth; had broken the chain from his handcuffs, leaving one link to the staple, the parted

links secreted; torn up part of his bedding, and stopped the funnel of the necessary so that it could not easily be cleared. It appeared also that he had been at the grates, but how he got there was a mystery, as the chains to his legs were whole, and the staple well in the timber; but he had evidently been there, as some of the boarding was broken and pieces of pine left in the bricks. We then raised the staple, and again put on the chain to the handcuffs, and drove the staple in another place, more out of his reach. The next day found he had again parted the chain from his hands, and torn off a large portion of the lathing and plastering from the middle wall, the floor covered with rubbish. I then attempted to confine him more closely, putting a chain from his feet around his neck, stapled to the floor, and his handcuffs secured to the middle of the chain.

Notwithstanding every exertion I could make to restrain him, I was still fearful that, as the weather grew warmer, he would find means to effect his escape, as he had already done things that seemed to require more than human power to execute; especially in getting the iron collar off his neck, and drawing the staple from the timber, which two yoke of oxen could not have done. The iron collar, which was made of a flat bar of iron, one and a half inch wide, the edges only rounded, he twisted the same as if a piece of leather, and broke it in two. We very often found him bloody, and his wrists swelled and sore by his exertions, but he never

complained, or took any notice of what he had done, or exhibited any regard for his situation or comfort.

March 1st—on going into the gaol at evening found him out of his bed walking, and exhibiting a remarkable effigy, representing his wife, standing in gaol, supported by the wall, as large as life, apparently visiting him in his miserable confinement; himself walking before her in chains and fetters, as far as they would admit. By the light of candles this scene exhibited a most striking picture of misery and distress—A wife, visiting her wretched and disconsolate husband in a dungeon, in a most dejected posture, overcome and speechless—The husband moving restless and silently before her, despair pictured on his countenance, agitated, every muscle of his frame exhibiting marks of acutest anguish. Truly, I must say, this scene shocked the feelings of humanity; its effect can hardly be effaced from my mind. Every one present was awed and astonished at the sight—and I am fully persuaded the like never was, and never can be again produced, with equal ingenuity and effect. The effigy was formed of his bedding, and the shirt and clothes he had destroyed, with the assistance of a trough, three or four feet long, used for keeping water in the gaol for him to drink.

He continued noisy and troublesome until the 5th of March, when I took off his irons and gave him a clean shirt—let him wash himself and comb his hair, which had not been cut, nor

his beard shaved, since he had been in gaol—gave him some soap, a part of which he eat, and used the rest. The blacksmith again put on his irons and chains, which he received the same as an ox would his yoke, or a horse his harness.

March 6th—our Court of Common Pleas coming on it required all my attention, and Mr. Dibble, the gaoler, having received a flattering invitation to take charge of the Academy at Sussex-Vale, had engaged to remove there as soon as the Court was over, and accordingly, on the 11th of March, he removed, leaving the prisoner without a keeper, and me in an unpleasant and anxious situation. The conduct of Smith had been and continued so bad that I could find no one willing to take charge of him. The next day, however, with much persuasion, I prevailed upon Mr. James Reid, a Scotchman, a man in whom I could place the utmost confidence, to undertake the task, and the day following he moved into the house with his family.

Smith appeared of a better countenance, and rather more quiet, until the 24th of March, when I was called upon by the gaoler, and informed that he was about something; that he had broken open the hole through the partition, that led the stove pipes into the debtors room, and no doubt was loose. On going into the gaol, found him loose from all his irons; his neck chain was broken in three pieces; the chain from his neck to his legs in three pieces; his screw handcuffs in four pieces, and all hanging on nails on the partition wall—his great

coat torn in two through the back, and stripped in pieces, one strip about his shoulders for a belt, with a wooden sword hanging in it; and with it he shewed all the exercise of the small sword, which he appeared to understand well—His chains from his legs were loose from the staples, and tied with a strip of his great coat; his hands, face and clothes bloody. In this situation, he exhibited an astonishing figure. During the time he was loose, he had taken off every inch of the plastering from the partition wall; stripped off all the lathing, and the boarding over the grates; broken some of the bricks —had gathered all the fragments together, and stacking them up in a round stack, with the broken lath fenced it round with a worm fence; piled all the long lath close to the wall under the grates, out of sight from the wicket door; then swept the floor clean; so that returning to his birth and tying his leg chain to the staple, on looking in with a candle, nothing could be seen out of place. In this situation I found him—Daniel Micheau, Esq. Moses Foster, George Raymond, Walker Tisdale, the gaoler, and others present. I then raised the staple, secured him by the leg chain, put on a pair of strong stiff handcuffs, added a strong chain to his neck stapled to the floor, and left him. He remained in that situation until the 28th—I was then called again by the gaoler, who said he believed he was loose, and was about some mischief —I went into gaol and found him loose; his chain from his neck separated into three pieces,

and had bruised the plastering from the stone wall, with his chains, about three feet long—We were obliged to leave him—While we were getting his chains mended, he swept the room clean. At night I added another chain from his fetters to his neck, and stapled him to the floor, with about four feet chain; secured his handcuffs to the chain between his neck and feet, so that when standing, he could not reach in any direction, and then left him. He remained easy, singing and hallooing occasionally, until the 31st. I was then called again, by the gaoler, who said he was certainly loose again; that opening the door to see what he was doing, he found a piece of the chain from his neck hanging on the inside of the wicket door—I went immediately to the gaol; found he had broken all his chains; had tied his foot chain to the staple again, long enough to reach the wicket door; was lying in bed as unconcerned as if nothing had happened, with the piece of chain about his neck. We then took his bunk bedstead from him, and every thing within his reach, and never let him have it any more; but could not discover by what means he separated his chains. No links of the chains appeared twisted, nor were any broken links to be seen. The manner in which he was chained, as well as the strength of the chains, left it beyond doubt, that he must have means to cut the links, as it was thought beyond human strength, in his situation, to break them—to ascertain which we let a candle down the necessary, by which

we could see the bottom clearly ; and with an iron hook prepared for the purpose, we brought up a bunch of *broken* links of his chains, which he had tied up in a piece of his shirt, and thrown down, together with a piece of his neck chain, about a foot long ; which convinced us that he could have no further means of *cutting* his chains, and that he must do it by some mysterious art or power. I was then determined to break the enchantment, if strength of chain would do it ; and added to his fetters a large timber chain, which was used for bunk chain of a bob sled, by which four and five logs were hauled to the mill at once. (I have seen the chain made use of at the gaol in New-Haven ; and this chain was at least one third, if not one half larger, and twice as strong.) We then left him—April 1st, found his neck chain parted again ; got it mended, and replaced it. April 6th, found his neck chain again parted—I then replaced his neck chain, with a strong ox chain, a size larger than that used in the prison at New-Haven, about seven feet long ; the whole of his irons in good order, and equally strong ; which, being weighed by the gaoler after they were taken off, amounted to forty-six pounds. Left him that night ; next morning the gaoler informed me, that from the unaccountable noise he had made through the night, he was persuaded he must be loose from some of his chains—I then concluded he must have broken his steel fetters, as it was impossible for human strength to break either of the ox chains—But

to my surprize, found the chain to his neck parted, and tied with a string to the staple, two feet long; handcuffs, fetters and log chain whole —secured his neck chain again—After this he remained more quiet; his wrists being much galled, and otherwise bruised and sore from his exertions.

He did not commit any further outrages for some time, but busied himself in brading straws, with which he made a place on the side wall to put his bread in; sometimes making an image or likeness of a man or woman, and placing them in very striking situations, discovering great art and ingenuity, and seemed to amuse himself without breaking his irons, but made much noise, hallooing and beating his chains most of the night. On the 29th, on going into the Gaol, discovered the likeness of a woman, representing his wife, sitting at the head of his bed, with the New Testament open before her, as though reading to him, and he sitting in a posture as tho' listening to her with great attention. I was induced to look into the book, and found it opened to the 13th chapter of St. Luke, the title of which was, "*Jesus teacheth Repentance*," with a leaf turned down directing to the last verse of the 12th Chapter—Appearing as though she had rebuked him for his conduct, bringing to the mind his several escapes, whilst he appeared to justify himself with that text of Scripture, which says :—"*When thou goest with thine adversary to the magistrate, as thou art on the way, give diligence that thou mayest be de-*

livered from him, lest he hale thee to the Judge, and the Judge deliver thee to the officer, and the officer cast thee into prison." S. Scribner, T. Scribner, and Mr Reid were present with me. He produced many more of the like representations, that discovered an uncommon genius and wonderful ingenuity, more than I am able to describe.

A Special Court of Oyer and Terminer, and general Gaol delivery had been summoned, to be held at Kingston, on the 28th day of April, for the trial of the horse stealer, but was put off and re-summoned to be held on the 4th of May, occasioned by the ice remaining unusually late in the river St. John, as will appear from the following letters :

"ST. JOHN, April 5th, 1815.

"DEAR SIR,—I have received your letter of detailing the very extraordinary conduct of the culprit in your custody. There is certainly a mystery in this man's means and character which is unfathomable, and I fear there will be considerable difficulty with him at the trial. Your vigilance and exertions of course must not be relaxed. As the best thing to be done, I dispatched your letter without delay to the Attorney General, that they might adopt at Head-Quarters, any such measures as they might think expedient, for the further safeguard and security of the prisoner.

Very respectfully yours,

W. CHIPMAN.

W. BATES, Esq."

"SUNDAY, 16th April, 1816.

"DEAR SIR,—I have just received by an express from Fredericton, a letter from the Attorney General, stating, that from the state of the river, it will be impracticable for him to be at Kingston by the 20th; and as he has hitherto taken the whole burthen of the prosecu-

Gon upon himself, the trial cannot well go on without him. From this circumstance therefore, and as the present state of the travelling would probably render it dangerous to my father's health, (who is not now very well,) to hold the Court this week, he has determined to put it off till *Thursday, the 4th of May*, for which day he wishes you to summon your Juries, and to proclaim the holding of the Court. He regrets much giving you this additional trouble, but it must be attributed to the extraordinary backwardness of the season, which was probably not foreseen when it was recommended to hold the Court on the 20th April. I have not time to forward a new precept by this conveyance, but I will forward one in time, or the one you have may be altered. This can easily be arranged when we go up to the Court. Yours, truly,

W. CHIPMAM, Jr.

W. BATES, Esq."

On the 30th day of April I informed him that Thursday next, the fourth day of May, he must have his trial before the Court for his life, and that Mr. Pearson, from Pictou, had come to witness against him. He paid no attention, any more than if I had not spoken to him. May 2d, Mr. Pearson came to see him—told him that his wife was coming to see him, but he took no more notice of him than if he could not either see or hear, or had no sense. The third day found he had been at work at the wall; his face bruised and bloody; told him that the next day he would be brought before the Court for his trial. He paid no attention, ate hastily, patted his hands, hallooed, appeared very lively, sang much, and acted the lunatic or fool to perfection—sang and beat the floor with his chains most of the night.

The fourth of May, the day appointed for the trial of this mysterious character, being now arrived, the Court began to assemble at Kingston, with numerous spectators from the distant parts of the country,—early in the morning. About 11 o'clock his Honor Judge SANDERS, and the Attorney General, arrived at my house from Frederickton; the attorneys and officers of Court having previously arrived. About one o'clock, the whole came to the Court-House in procession. After opening the Court in the usual form, the prisoner was called to the bar, and placed in the criminals box; the gaoler, with four or five constables to attend him. He made no resistance, but took no notice of the Court—played a thousand monkey actions, pulled off his shoes and socks, tore his shirt, ha-ha'd a little, patting his hands, snapping his fingers as usual, and acting the fool. The Court was crowded with spectators, and every eye was fixed upon the prisoner with astonishment.—Now became a period of great expectation—The Attorney General read his Indictment—The Judge then asked him if he plead to the indictment, *Guilty*, or *Not Guilty*—He stood *mute*; took no kind of notice that could be discovered. The Judge then admonished him, that if he stood mute out of *obstinacy*, his trial would go on, and he be deprived of the opportunity of putting himself upon his country for his *defence*, and that *sentence* would be passed against him—therefore he advised him to plead *Not Guilty*. He continued *mute*, acting

the fool, without discovering the least sense, or change in his countenance, that could be observed. The Judge then directed the Sheriff to impannel a Jury of twelve men, to enquire into the *cause*, whether the prisoner at the bar stood mute *wilfully* and *obstinately*, or *by the visitation of God*. The Jury being impannelled and sworn, after hearing the evidence, that he had appeared in that state for three months preceding, &c.—soon returned their verdict, that *the prisoner at the bar stood mute, by the visitation of God*. The Judge then directed, that the Attorney General enter the plea of *Not Guilty*; and counsel for the prisoner was admitted. The Court was then adjourned until next morning, at ten o'clock, in order for his trial. Friday morning, 11 o'clock, the Court being assembled, and the house crowded with spectators, the prisoner was again brought to the bar, with all the constables to attend him—He took no kind of notice of any one, but sat himself quietly down in the criminals box. Every eye was fixed on him for a few minutes in perfect silence. The Judge observed that the prisoner appeared more calm this morning, and directed that the Court proceed to his trial. The Jury being sworn, and the witnesses called, the prisoner at the bar was ordered to stand up for his defence. He took no notice of what was said—The constables were then ordered to hold him up on his feet—he fought them, and jerked from them, so that they could not manage to do any thing with him. Sent for a rope and pin-

ioned his arms, but to no purpose; lashed the rope from his arms back to the railing of the box. He continued fighting, and reaching the bannisters before him, broke them out as fast as the constables could take them from him. Sent for another rope, and tied his hands together, securing them to the railing each way. He then fell to kicking the railing, and soon demolished all the bannisters and railing in front of the criminals box, in spite of all the constables could do to prevent him—Was obliged to get another strong rope and bind his feet together, securing the rope each way, to the posts of the box—It then took two or three constables to hold him.

After thus securing him, the Court proceeded on his trial. The Attorney General read his declaration, charging the prisoner at the bar, with having feloniously stolen a certain bay horse, the property of *Willis* Frederic Knox, Esq. of the value of £35; that he was taken in the *manner*, and produced his witnesses. Mr. Knox being sworn, stated the circumstances of his pursuit after the prisoner, as far as Truro, where he employed Mr. Pearson to pursue on to Pictou; being informed that the prisoner was going to sell the horse at that place. Mr. Peters, counsel for the prisoner, asked the witness, how he wrote his christian name—*Wills* or *Willis*—to which he replied, "I was christened after my god-fathers, Lord North and the Earl of *Willsborough*—and never write my name *Willis*." Mr. Peters then produced au-

thorities to show, that one letter in a man's name had quashed an indictment; and moved that the prisoner be discharged. This was overruled by the Court, but reserved for a question.

Mr. Pearson deposed, that he pursued the whole night, and early next morning, was shown the prisoner, and took him. He seemed but little surprised; the witness told him, the owner of the horse would be there soon—He said that *he* came honestly by the horse—The witness asked him where the horse was? He said, at that house; pointing over the creek where there was but one. He then took the prisoner before a Justice, and thence to the gaol at Pictou; that he afterward took the horse, returned about ten miles, and met Mr. Knox, who knew the horse and called him Briton.

The circumstances against the prisoner were, that he gave contradictory accounts how he came by the horse; at one time saying that he bought him of a pedlar; at another, of a Frenchman; again, that he swaped for him, and at Amherst produced a receipt for money paid in exchange. The counsel for the prisoner, in cross-examining, asked Mr. Knox, did you ever see the prisoner in possession of the horse? No, but he acknowledged it.—Did you ever hear him acknowledge that he was in possession of the horse in any other way, than with saying he came honestly by him? No. Mr. Pearson was cross-examined in the same words, and answered the same *no*. Mr. Peters in defence of the prisoner, produced authorities

to show, that by the evidence, the prisoner at the bar was not taken in the *manner*, as stated in the declaration; and that it was sufficient for him to prove in a general way, how he came in possession of the horse, which he was able to do, by a receipt which he produced for the money paid in exchange—the best general evidence that can be given, as such is the common way of dealing in horses. He acknowledged if the prisoner had been taken on the back of the horse, he would then have been taken in the *manner*, as stated by the Attorney General; and consequently bound to prove how he came in *possession;* but in the present case, he himself, or any one present, might be in this unfortunate prisoner's situation; dragged to prison, to court, and to the gallows, because he could not produce the person who had actually sold him the horse. The prosecutor had not produced any evidence of the horse ever being in the possession of the prisoner, only by his own confession; and he trusted that the Jury would not hesitate to find that the prisoner at the bar, was not taken in the *manner*, as stated in the declaration; but would pronounce him, by their verdict, *Not Guilty.* The Judge, in his charge to the Jury, overruled the plea, by stating to the Jury, that his being taken in the *manner*, was proved by the various accounts he gave of his getting possession of the horse, thus rendering himself liable to prove how he came by him; or to stand guilty of feloniously taking him, as stated in the indictment—That

they had heard the witnesses, and if, from the evidence and circumstances before them, they were fully satisfied that the prisoner at the bar had taken the horse feloniously, as stated in the indictment, they would find him *Guilty;* and if they had any doubts, that, leaning to mercy, they would find him *Not Guilty.*

While the Jury were out, I invited the Court and other gentlemen to visit the Gaol, where I shewed them his irons and chains, and the situation in which he was placed. The Judge observed, it was fortunate that he was sent to Kingston Gaol, as no other Gaol in the Province would have kept him.

The Jury, after being out about two hours, returned with their verdict—*Guilty.*

The prisoner did not show the least sign of sensibility that could be perceived while the Judge pronounced upon him the sentence of the law, *Death, without benefit of clergy*—but continued shouting and hallooing. The Court asked the Counsel for the prisoner if he had any thing to offer in arrest of Judgment, or why the sentence of *Death* should not be executed upon him. Mr. Peters then rose, and produced authorities to show that the present law that took away the benefit of clergy for horse stealing, was not in force in this Colony, and that it could not be construed to be in force until decided in the Higher Court, where he hoped to have the honor to discuss it. The Judge gave his opinion against him, but admitted the plea. The prisoner was returned to Gaol, where he

received his chains with willingness and apparent satisfaction, and the Court adjourned without day. The Attorney General, however, gave me to understand that he would not be executed very speedily, and requested that I would observe his behaviour, and inform him by letter the particulars of his conduct. The next morning I visited him—found him as usual, informed him he was now under sentence of *Death*, and that he would be allowed but one pound of bread, and water once a day, for the short time he had to live—that as soon as his Death Warrant was signed by the President, he would be executed, and but little time was left him to prepare for the dreadful event. He paid no attention, patted his hands, sang, and acted the fool as usual. One of the spectators being surprised at his conduct, observed to him, "Smith, it is too late for you to deceive any more; your fate is fixed now, and you had better employ your little time in making your peace with God, than to act the fool any longer,"—which occasioned the following:—On going into the Gaol, observing his book opened, and looking at it, found a leaf turned, pointing to the following passage:—"*If any man among you seemeth to be wise, let him become a fool, that he may be wise.*" In this situation I kept him nine days on bread and water, once a day reminding him of his fate. He continued in the same state, and in that time had torn off every stitch of clothing, leaving himself naked. He never shewed any penitence, or any

sign of hunger more than when fed with four times his allowance. I then allowed him other provisions, and his succeeding conduct is briefly stated in the following letter to the Attorney General :

From the Royal Gazette of July 11, 1815.

Copy of a Letter from the High Sheriff of King's County.

KINGSTON, June 26, 1815.

MY DEAR SIR,—Having heard nothing from you since the late Gaol Delivery at King's County, I beg leave briefly to state to you some circumstances of the conduct of the criminal HENRY MORE SMITH, since his trial and sentence. After securing him with strong chains to his neck and legs, and with handcuffs, he continued beating the floor, hallooing day and night with little intermission, making different sounds ; sometimes with jinking his chains, and sometimes without, apparently in different parts of the Gaol, insomuch that the Gaoler frequently sent for me, supposing he must be loose from his chains, which I conceived, and frequently observed was *impossible ;* being far beyond the power of human strength or invention, in his situation ;—but on the 24th of May, going into the Gaol early in the morning, (after having examined his chains at two o'clock the day before,) I found three links of his heaviest chain separated, and lying on the floor, being part of the chain without the staple. He continued in the same way until the 2d of June, when we found the largest chain parted about the middle

and tied with a string; which clearly proves that irons and chains are no security for him. I then put on him a light chain, with which he has been ever since. I never discovered him at work at any thing, but he frequently produced effigies or likenesses, very striking, representing his wife. He now produced an effigy of a man in perfect shape, with his features painted, and joints to all his limbs, and dressed him in clothes that he had made in good shape and fashion, out of the clothes that he had torn off himself, (being now naked) which was admired for its ingenuity. This he would put sometimes in one position and sometimes in another, and seemed to amuse himself with it, without taking the least notice of any thing else; continuing in his old way hallooing, without any alteration, until the 13th, when the Gaoler informed me that he refused to eat, and no doubt was sick—I went to see him every day—found he did not eat—all the bread and other provisions conveyed to him he gave to his effigy, strung on a string and put into his hands—He lay perfectly still day and night, and took no notice of any thing—would drink tea or milk, which I gave him twice a day for five days; he then refused to drink any thing for two days, which made seven days he had eaten nothing. *In that time he began to speak* —would ask questions, but would hold no conversation. But the most extraordinary, the most wonderful and mysterious of all is, that in this time he had prepared, *undiscovered*, and at

once *exhibited* the most striking picture of genius, art, taste and invention that ever was, and I presume ever will be produced by any human being placed in his situation, in a dark room, chained and handcuffed, under sentence of death, without so much as a nail or any kind of thing to work with but his hands; and naked. The exhibition is far beyond my pen to describe. To give you some faint idea, permit me to say that it consists of ten characters, men, women, and children—all made and painted in the most expressive manner, with all the limbs and joints of the human frame—each performing different parts; their features, shape and form, all express their different offices and characters; their dress is of different fashions, and suitable to the stations in which they act. To view them in their situation they appear as perfect as though alive, with all the air and gaiety of actors on the stage. SMITH sits in his bed by the side of the Gaol—his *exhibition* begins about a foot from the floor, and compasses the whole space of the ceiling. The uppermost is a man whom he calls the Tamborine player, or sometimes Doctor Blunt, standing with all the pride and appearance of a master musician; his left hand akimbo, his right hand on his tamborine, dressed in suitable uniform. Next him, below, is a lady, genteelly dressed, gracefully sitting in a handsome swing; at her left hand stands a man neatly dressed in the character of a servant, holding the side of the swing with his right, his left hand on his hip,

in an easy posture, waiting the lady's motion. On her right hand stands a man genteelly dressed, in the character of a *gallant*, in a graceful posture for dancing. Beneath these three figures sits a young man and a young girl, (apparently about 14,) in a posture of *tilting*, at each end of a board, decently dressed. Directly under these stands one whom he calls Bonaparte, or sometimes the father of his family; he stands erect; his features are prominent; his cheeks red; his teeth white, set in order; his gums and lips red; his nose shaded black, representing the nostrils; his dress is that of the Harlequin; in one hand he holds an infant, with the other he plays or beats music; before him stand two children, apparently three or four years old, holding each other by one hand in the act of playing or dancing, which, with a man dressed in fashion, who appears in the character of a steward, sometimes in one situation and sometimes in another, makes up the show, all of which you have at one view. Then commences the performance. The first operation is from the tamborine player, or master, who gives two or three single strokes on his tamborine, that may be heard in any part of the house, without moving his body. He then dances gracefully a few steps, without touching the tamborine; the lady is then swung two or three times by the steward; then the gallant takes a few steps; then the two below tilt a few times, in the most easy, pleasant manner; then the two children dance a little, holding

each other by the hand; after this, SMITH begins to sing or whistle a tune, to which they are to dance, at which, the tamborine strikes, and every one dances to the tune, with motion, ease and exactness not to be described. Many have been the observations of spectators; amongst them, an old German observed, that when he was starving the seven days, he was making a league with the *Devil*, and that *he helped* him. All acknowledge with me, that it exceeds every thing they ever saw or imagined. His whole conduct from the first, has been, and is, one continued scene of mystery. He has never shown any idea or knowledge of his trial or present situation; he seems happy; his irons and chains are no apparent inconvenience; contented like a dog or a monkey, broke to his chain; shows no more idea of any thing past, than if he had no recollection. He, in short, is a mysterious character, possessing a wonderful art of invention, beyond common capacity.

I am almost ashamed to forward you so long a letter upon the subject, and so unintelligible; I think, if I could have done justice in describing the exhibition, it would have been worthy a place in the Royal Gazette, and better worth the attention of the public than all the Wax-work ever exhibited in this province.

I am, with all due respect, dear Sir,
your very humble servant.
WALTER BATES.

THOMAS WETMORE, Esq.
Attorney General.

P. S. Wednesday, the 28th. This morning I found he had added to his works a *drummer*, placed at the left of his tamborine player, equal in appearance, and exceeding in performance; beats the drum with either hand, or both occasionally, in concert with the Tamborine, keeping time with perfect exactness, sometimes sitting, at others standing or dancing He had also, in a most striking manner, changed the position of his scene. The lady above described to be sitting gracefully in her swing, with so many attendants and admirers, is now represented swinging in a dejected posture, with a young infant in her arms; her gallant has left her, and is taking the young girl before described, about 14, by the hand, with an air of great gallantry, leading her and dancing to the tune with perfect exactness, representing more than can be described. On viewing this, an old Scotchman observed, "some say he is mad, others he is a fool; but I say he is the sharpest man I have ever seen; his performance exceeds all I ever met with, and I do not believe he was ever equalled by man." This evening a gentleman from Boston, having heard the above description, came to see the performance, and declared he could say, as the Queen of Sheba did, that "*the half had not been told.*"

[To this the Editor of the Gazette adds the following remarks—"We have given an entire copy of the above letter, which has excited our astonishment, and will, probably, that of every other person who has not seen the exhibition and performance described in it. Those who are acquainted with the Sheriff know him to be in-

capable of stating falsehoods, or attempting in any way to practice a deception, and will of course give credit to the statement of facts, wonderful as they may appear to be, which he has made."——PUB.]

July 1st, in the morning, I found him repairing his drummer. He said he had a gentleman and lady come from France; but could not put them up—and looking archly at me, said, "the *Devil* had no chain about *his* neck." I answered him, if he did not behave worse than the *Devil*, I would give him more liberty; and took his chain from his neck, and put it to his feet. He then produced a man, fashionably dressed, and in one minute had him dancing—He said he had no clothes fit for his lady to appear in company; but if he had a needle and thread, he could have them all fit for a ball in two days. To gratify the spectators present, I consented, and they soon supplied him with thread, needle, calico, ribands, and a small pair of scissars, the first thing he had had to cut with, having used his teeth. He seemed pleased, and began to sew by candle light, but laid it by and said he could work better in the dark. The next day, found him making clothes for his family—He said he had a drum-major coming out from France, who would beat two drums at once, and his wife would stand upon her head and beat three; that he must have drum-sticks, and something for drums, which was furnished. He made some of brass and some of tin, making different sounds, trimmed in elegant style, with ribbons and tassels, and would have appeared elegant in a toy-shop. As he proceeded,

he was supplied with every thing that he wanted ; and was very industrious in making his improvements.

The Supreme Court being about to be held at Frederickton, and feeling anxious to know the fate of the prisoner, I attended the Court, and having ascertained that the destiny of the prisoner would not be fatal, I returned. The gaoler informed me that, the first night after I left home, Smith had drawn the staple of the chain that had been about his neck, and had concealed both the chain and the staple so that they could not be found. The glass in the wall was broken at the same time, but the chain did not go out that way, as the outside glass was whole. The room, and every thing in it, had been strictly searched without discovering it, and it could not be conceived how the glass was broke, as it was entirely out of his reach. On going into the gaol, he said to me, that the Devil told his old Drummer if he did not put that chain out of the way he would certainly get it about his neck again ; that he hated it, and had murdered it, and put it under the dirt—but he feared he should have no peace till he raised it again. I told him he must raise it, and that I would not put it on him again if he behaved well. I then took off his handcuffs, gave him water to wash himself, with a clean shirt and jacket—A young man gave him a black handkerchief, which he put about his neck, and seemed pleased—wished he had a fiddle ; he would give his shirt for a fiddle, that he might

play for his family to dance—he was offered a fife ; he said he believed he could learn to play —he then took the fife, and would play any tune, either right or left handed. I told him if he would behave well, I would not put his handcuffs on that day—he said then he would have his family in good order ; but that when he sent one hand to do any thing, the other would follow it. Gave him some materials that he wanted, and then left him. This was the 17th of July.

On the 18th, found him at work at his children, preparing for improvements. Gave him a pen and paint, and many articles for clothing, &c. He had before used coal and his own blood for colouring. He appeared thankful, and talked more coherently. To account for the broken glass, he said to me—My old Drummer cried out for more air, his family stood so thick about him—Well, said I, tell me how to get it and I will go to work at it. He told me to make a wisp of straw long enough to reach the glass and break it, which I did, and destroyed the rope that it might not be discovered.

He continued his employment, repairing and improving his family, dressing them neatly, and painting their features all new ; and adding to his exhibition, until he said they were all present that were coming. With the money that he had received from spectators, he supplied himself with calico, and about the 10th of August, completed the show, which consisted of twenty four characters, men and women ;

six beat music in concert with the fiddle, while sixteen danced to the tune. The other two were fighters, Bonaparte with a sword, fighting an Irishman with his shillaly. His musicians were dressed in uniforms; some drummers, some tamborine players, and some bell ringers. In the centre of his dancers stood his dancing-master, in a military dress, with hat and boots on, and gloves on his hands. A soldier in Scotch uniform, at an advanced station, acted as a sentry, stepping regularly one foot before the other. Smith would sit before them and play a tune on the fiddle, to which they would all dance, and beat to the music in concert, one half on the right hand to one part of the tune, and the other on the left hand to the other part, then all together, dancing to the tune as regular and as natural as if alive; the dancing-master dancing with his right hand and foot with one part, and his left hand and foot with the other part, and then together with the whole, without any stop or hindrance, to any tune that he should play, and without discovering any sign or motion by which they were made to act. His fighters, if they had been alive, could not act and appear more natural. All his figures were formed of straw, curiously twisted and interwoven. The coal he used for colouring, he got from a burnt timber in the partition wall, and their first clothing was made of the pieces of his garments which he had torn up.

It is impossible for me to do it justice; therefore I shall not attempt any further des-

cription, and only add, that great numbers came to see the exhibition, and to view his person, from a great distance—among whom were several physicians, and all expressed their astonishment. A gentleman from Pennsylvania, Doct. PRIOR, a man of learning, who told me he had spent his whole life travelling for foreign and literary information, and had made it a point to view all curiosities and phenomena that he could hear of; having heard that I had an extraordinary character in prison, came to beg the favor of me to let him see him; with which I complied. After viewing his person, and every part of his exhibition and performance, he was pleased to say, that he had travelled through all the Continent of America, and part of Europe, but had never met with the equal of it—that he was now writing Memoirs of his own life and travels, and that he should not fail to fill a page with a description of this wonderful performance.

With other spectators, a gentleman by the name of Doctor COUGLYN, from Ireland, who had been Surgeon in his Majesty's service, both by sea and land, a gentleman of accomplishments and learning, came to see this new and extraordinary exhibition. After having viewed the scene repeatedly for several days that he tarried at Kingston, he declared that he had travelled through Europe, had lived in England, Ireland and Scotland—that he had been in France and Holland—at Hamburgh, and other places famous for such exhibitions, but that he

had never met with any thing of the kind that equalled the one before him.

August 13th—when the gaoler went into the gaol, Smith said to him that he had been fishing, and had caught a large fish, and wished him to cook it for him; on looking, the gaoler saw the chain that had been missing, then lying on the floor. After this, Smith began a new scene of mystery, and commenced fortune-telling, in which, if he did not possess the power of divination, he was at least wonderfully successful. He told his fortune in his tea-cup; after looking in it some time he took the cup and kissed it, and told the gaoler that he was going away from this place, that he was going over the water, and wanted a box to put his family in; that he saw there were three papers written and sent about him; and that one was a large letter which he did not understand. —In the evening I went in to see him, and as my curiosity was greatly excited to know the origin of so extraordinary a character, and the previous events of his life, I hoped to draw some information from him, but he would not answer any questions, and took no notice of them, but when the spirit moved him, he would talk. He said that he was going away from home—that he was going among his enemies—that every body would be afraid of him, and look upon him with distrust and horror—that he was disturbed in his sleep—that once in eight or ten nights he was troubled with all sorts of creatures coming about him; great hogs with cloven feet, all kinds of cattle, and creeping

things, snakes and adders, frogs and toads, and every ugly thing—that he would start up from his sleep and walk about the prison, then lie down, get asleep, and they would come about him again ; he would get up again and sit and talk to his children, and sometimes take his fiddle and play to amuse himself, and drive away these dreary hours. He said these snakes and adders he could read very well ; he knew what they all meant, and most of the rest of them—but these frogs and toads coming together he could not understand ; but he knew he was going to leave this place and go on the water ; that he could see as clearly as he could see me standing by him that he should find enemies, and every body would be afraid of him, but he should hurt no body ; he should find trouble, have irons upon him, but they should come off again ; that the crickets came, and would get upon his children, and sing amongst them ; that he liked to hear them ; that his mother always told him that he must not hurt them, &c. ; and going on in this way, by a natural association of ideas, seemed to betray the nature of his early education. His mother (he said) always gave him good advice, but he had not always followed it—he had been a bad fellow—done that which he ought not to have done, and he had suffered for it ; had been struck, and had the marks, but he forgave all his enemies ; the Lord says, if you would ask forgiveness of him, forgive thy brother also—we cannot expect forgiveness, except we repent and forgive others. The word of God is plain : except ye forgive

thy brother his trespasses, neither will your Heavenly Father forgive you when you ask of him. The scripture says, Repent and pray, lest ye enter into temptation. I work and pray with my family continually—and except you repent, you will also perish in your sins; you are a sinner as well as I am; all men are sinners before God; consider you have work to do as well as I; you have a soul to save as well as the poor prisoner—watch therefore and pray. I watch here, and pray night and day, but I shall not stay long. He intended to go to sea as supercargo of some vessel, or he could get a living with his family as a show, in any country but England, and he had never seen such a show in England, or any where else—that he dreamed of the whole of them at once, and that he must go to work and make them, and it would be better for him; if he did not it would be bad with him; that he had worked ever since and had almost finished them, but there was a shoemaker and a tailor which had not come for want of room; that he would make room if he did not go away. He said he had been here until he was contented to stay here; and contentment was the brightest jewel in this life. He never enjoyed himself better than he did at present with his family, and he did not care for himself so that his family looked well. He would be willing to die, and should like to die now, rather than go among his enemies; but he had one friend; he believed it was old Willy; he was in England, and was al-

he might have heretofore committed. The only notice he took of what I said, was, "I wish you would bring me some potatoes when you come again."—I proceeded to say, that as soon as he was ready and would let me know where he wished to go, I would get him a passage, and help him away—that I would get him some clothing, and give him time to put his family in good order, and give him a box to put them up in, as they might be the means of getting him a living any where, until he could find better employment, without being driven to the necessity of stealing. He said to me, "haven't you got boys and girls that want to see my family dance? Bring all your family to see them; I will show them as much as they please for nothing, but others shall pay me, I am determined,"—without the least notice of, or appearing to understand what I had said, keeping up the same imposing manner with which he had carried on every thing else.

I staid in gaol alone with him near an hour afterwards, without saying any more on the subject, during which time he proceeded to talk much in the way he did the evening before—and said we must watch and pray lest we enter into temptation; he prayed with his family; they could not pray for themselves—that we must be spiritually minded—that to be spiritually minded was life, but to be carnally minded was death. Those who are spiritual are in God—those who are carnal are in the world; that God was spirit, but took human nature upon him, and came down from Heaven, and

dwelt amongst us in the flesh, that we might become the children of the spirit; and began to repeat large portions of the New Testament in different parts, nearly whole chapters, when he observed, you see I read the bible without any book, as well as others can with. I can read to you almost all or any chapter in the bible you will name, in the Old or New Testament, it makes not much difference, in the dark as well as in the light. My wife is a good little woman; she would read in the bible on Sundays, and say to me, "Henry, come sit down and hear me read in the bible,"—but I would laugh at her, and tell her I could read better without the book than she could with, and would go out and look to my horse, or do any thing on Sundays. I have been a bad fellow. When I was in England, I gave all my attention to reading the bible, and was a great Methodist, went to all their meetings, and could pray and exhort amongst them; and finally took up preaching. I have preached in Brighton, North-Hampton, South-Hampton, and London; and great numbers came to hear me. I was sometimes astonished to see how many followed to hear me preach—but I did not follow that long, only about fifteen months, when I gave it up; the reason was, I got amongst the bad women in London, and got the bad disorder, and after that it would not do for me to preach among the good Methodists any longer, and I was obliged to come away—and that was the reason I left England. I was a bad young man—I am young now, only 23, not 24 years

old yet. I did not know but I would preach again, but I am now contented where I am, and do not wish to go into the world any more. He never intended to leave this place, he was better off here than any where else, he would stay here until he died, and should like to die. When he was a preacher, he was spiritually minded, and all was peace, all was Heaven to him ; but ever since he had been in the world, all was trouble and misery, and he never wished to go into the world again.

August 15th, at noon, went to the gaol, gave him a good dinner, and read his pardon to him. When I took it out of my pocket, he cried out, that looks like the paper I dreamed of about a month ago—I saw that paper, with two angels and a ship on it, and something that looked like snakes—I wish you would give it me ; I knew it was a coming. When reading it he paid no attention to the nature of it, but asked questions as foreign to the subject as possible. I told him as soon as I could get him some clothes, I would give him the paper, in order to take it with him, and that I would help him away with his show, that he might not be driven to the necessity of stealing.

August 16th, at evening, went with a tailor to take measure of him for a coat. When he saw the tailor with his measure, he said, I wish you would give me that ribbon in your hand—It is no ribbon, said the tailor, but a measure to measure you for a coat ; come, stand up—What! said he, do you think you are tailor enough to make me a coat?—Yes. But you

don't look like it—Let me look at your hands and fingers—which he did—You are no tailor, said he, you look more like a blacksmith—you shall never make a coat for me; I can make it better myself; and would not be measured.

August 17th—we found he had improved his Scotch sentry by giving him a carved wooden head, very complete, with the national features of an old Highlander. This was the first of his carved work. At evening he had also much improved his fighters—Bonaparte, by some unlucky stroke, had killed the Irishman, taken off his head, and hung it up at his right hand; a brawny old Scotchman had taken his place, and gave Bona a hard time, knocking him down as fast as he could get up. I told him he must get his family ready to move, and left him

August 18th, at noon, went to see him; he was fiddling remarkably well, and singing merrily; but when I went in he was busily at work carving a head, which he said was to take Bonaparte's place, as the old Scotchman would overpower him soon. He said carving was a trade in England; that he did not think he could do so well at it till he tried, and remarked that a man did not know what he could do until he set himself about it; that he never undertook any thing but he accomplished it; except that he was stopped in this place; and he had been so long here he had rather stay here than any where, and never enjoyed himself better. He wished I would give him a candle to work by; and he would make himself a waistcoat; said I need not be afraid he should do any harm

with it; he would set it in the middle of the floor, and take care that his straw and chips did not get fire and burn up his family, which he could not do without, as he could not labour for a living; beside, said he, if I was disposed, I could burn up the house without a candle, for I can make fire in one hour any time. When I was a boy, said he, every body took notice of me, and I had a license for shooting when I was fifteen. One day I was out shooting, and killed a rabbit upon a farmer's land where I had no right. The old fellow came after me, and I told him if he came near me I would knock him down; but he caught me, and tied me fast to a large stack of faggots, and went off; whilst he was gone, I made a fire and burnt up the whole, and went off; but the old farmer never knew how his faggots took fire. You don't use faggots in this country, said he; they are little sticks, tied up and sold in bunches, to boil tea-kettle with. If I would give him a candle, he would find fire to light it.

I am aware that I shall incur the imputation of weakness for narrating many parts of these memoirs, but as every part of his conduct appeared to me equally astonishing, I shall relate the simple facts as they occurred, with the fullest consciousness that I am neither obstinately blind nor wilfully deceived.

He said he had told his fortune in his tea-cup, and it came always alike. He could tell a great deal by dreams—The devil helped fortune-telling, but dreams were the inspiration of God. When the hogs came to see him he could tell a

great deal by them. He could tell me any thing that had happened within a year past, or that would happen in a year to come. My neighbour, he said, had a black sow that had pigs, some all black and some all white, and one with red spots before and behind, and by them he learnt a great deal. I knew that Mr. Perkins had a black sow with young pigs, and when I went away I had the curiosity to look at them, but they did not answer his description, and I thought no more about it.

August 19th, at evening, many people came to see him and his performunce, and when they were gone out, he said to me that he had carved a new figure of Bonaparte—that the first he made was after his own image, for he was a man after his own heart, but he had fallen—God made man out of the dust of the earth, but *he* made men out of the wood of the earth—God made Adam, but he soon fell, and did nothing very bad neither. He intended to carve out our Saviour on the cross, with the two thieves; one of the thieves was penitent, asked pardon, and was forgiven; so one Apostle says—the others contradict it. Three Apostles wrote, but they do not agree throughout. We cannot believe every thing; but we must believe, or we cannot be saved. The scripture says, he that believeth shall be saved, but he that believeth not is condemned already.

As I was going out, he said to me (without a word having passed relative to my examining the pigs) the pigs I told you of are not those

young pigs; they are some months old. I made no reply, knowing that Mr. Scovil had a sow and pigs that answered his description in every particular.

Sunday, Aug. 20th, the gaoler carried him his breakfast, with tea. He told the gaoler he could tell him any thing past or to come; and being asked to tell any circumstance that had happened, he said, some time since you rode a great way on my account, and carried letters and papers about me, and about others too—Again, you went after a man, and you had to go on the water before you found him, and I am not sure but you found him on the water—while you was after him you saw a man at work in the mud, and enquired of him for the man you wanted, he told you what you asked of him; you was dry, and asked him if there was any water near that you could drink; he told you there was a place where he had drank, and you went to it, but found the water so bad you could not drink it. You then went after the man you was in pursuit of, found him and brought him with you, and kept him in gaol two or three days, when his friends came and took him out. The gaoler was astonished, knowing the facts to be true, in every particular, and had no recollection of ever mentioning the circumstances to any living being. Perhaps all this was but the imagery of his fancy; but how could his fancy picture out a tale so true? He often predicted things beyond the power of human foresight, which, repeated here, would seem absurd, but to my positive knowledge proved correct. The

mystery is, how he could know them; that he predicted them is undeniable.

He had now been in my custody more than a year, and almost every day had produced some new feature of his character or effort of his genius. I had had much trouble with him; yet I had compassion for him, and could not turn him out of jail, naked and destitute, without friends, the terror of the neighborhood, and in such a situation that he must either starve or steal—thus rendering his pardon, instead of an act of mercy, a curse to himself and the community. Every one knew he was indicted in York County, and no one could assist him to escape.—Under these circumstances, having him in my charge, humanity dictated that I should try to get him out of the Province. I represented all these things to him, and told him I would furnish him with decent clothing, and get him a passage either to Nova-Scolia or the U. States, gave him a box to put his family in, and told him he must be ready to set off on Tuesday.—He took no notice of what I said, but asked some frivolous questions, talked about Mohawks and snakes, and played the fool, till I found I should have as much trouble to get rid of him as I had had to keep him before his trial.

On the 28th of August, Judge Pickett and Judge Micheau attended at the Court-House in order to take the recognizance required, his own security in fifty pounds, to plead his pardon when called for. After liberating him from his chains, and supplying him with decent clothing, it was with difficulty I prevailed on him to

leave the gaol. He took one of his children in one hand and a pair of scissars in the other, and went out; after much exertion I got him up to the Jury room, where Judge Micheau read his pardon to him, and explained the circumstances which produced it; to which he paid not the smallest attention, but looked about and talked of something else. Judge Pickett then required his recognizance, and informed him that unless he immediately left the Province he would be taken and tried on two indictments pending against him in the County of York. He took no notice of what he said; talked and danced, told the Judge he looked like a tailor, and asked him to give him his shoestrings. His pardon lying on the table, he caught hold of it, and before it could be taken from him clipped off the seal with his scissars; he wanted the ship on it to carry him away with his family; tore off the cape of his coat, and cut it in pieces, as he did also his shoes. Finding we could do nothing with him, I returned him again to prison, where he said, for using him so kindly, for one shilling he would show us his whole performance. Judge Micheau handed him a half dollar piece, and said give me a quarter dollar in change, and you will have more than a shilling left. He took it, said it was a nice piece of money, and put it in his pocket; but the Judge could by no means make him understand the meaning of change. He then performed his exhibition. When we were going, he seemed out of humour, and told Judge Pickett he had thrown stones at him, and

he would burn his house; and threatened that this place should be in flames before morning; he could make fire in half an hour, and wanted a light, and would have one.

August 29th, early in the morning, I went to the gaol to prepare for his removal, but to my great vexation and surprize found it actually on fire. I opened the door immediately, and with a bucket of water extinguished it—Found him smoking his pipe, as unconcerned as ever. He had broken up the necessary, and with that and the chips of his carved work he had kindled a fire. He said fire was very comfortable, and he had not seen any before in a long time; that he made it with his own hands, and would make it again in ten minutes, as he could not do without some light. I shut him up in a suffocating smoke, which did not seem to give him the least inconvenience, and called in some of the neighbours to assist me, and ordered him to put his show into the box; he took no notice of it; I took down one and laid it in the box, when he seemed pleased, said he would put them all in that box immediately, and began very actively to take them down; wanted no assistance from any one; but leave him the light and he would be all ready in half an hour. We left him the candle and went out. When I returned he was walking the gaol, with every thing put up in the neatest manner; it was a curiosity to see with what skill he had packed them: gave him a pair of shoes, and with his box on his shoulder, he marched off to

the boat I had prepared for his departure, and with three men to assist me we set off for St. John. He prayed and preached and sang Methodist hymns with a most inimitable tone, all the way, at the same time acting his crazy capers, tearing his clothes, &c. We made no stop on the passage, and arrived at St. John at 8 o'clock in the evening. He said he must have a hot supper with tea, and wished to be locked up in a strong room, for he must see all his family to night, for they would die in the box. When we arrived at the gaol I found all the rooms of the prison occupied, or undergoing repairs, and had no place to confine him. I immediately called on the Sheriff, who had no means to assist me, as he could not receive him into custody, nor suffer him to be put with other prisoners in the gaol; and to add to my trouble, I learnt that there was no vessel to sail for several days. I returned to the gaol, and found Smith at his supper. When he had drank his tea, he looked in his cup, and immediately said he must not disturb his family to night, for he saw the ship then at the wharf that was to take him to his wife, and *there* would be crying.—The gaoler cleared out a small room in the house, with a grated window, where we secured him for the night. I had determined to send him to Nova-Scotia, and going out early next morning, I met a friend of mine, who informed me that his schooner, then lying at the wharf, would sail for Nova-Scotia in half an hour, and I persuaded him to take him on board. I had him brought down immediately, and at high

water she hauled off and got under way with him, to the great satisfaction of all behind.—When the vessel arrived on the opposite shore, he left her without taking any thing with him, was seen in the street a short time, and then suddenly disappeared.

The first information I have of this extraordinary person is as follows: In September, 1812, he came to Windsor, in Nova-Scotia, where he was met by Mr. Bond, a respectable farmer, of the town of Rawdon. He wanted to get employment in the country, and said he would do any thing. After some conversation, Mr. Bond agreed with him to assist him on his farm, for one month, upon trial; and he proved to be extremely steady, careful and industrious, and gained the confidence of the old gentleman, while at the same time, he won the affection of his daughter. He called himself Henry Frederick Moon.

Mr. Bond being a religious man, he conformed strictly to his principles; was always punctual at evening and morning prayer, and seemed very devout and serious. In this way he continued for some time, when the attachment between him and the daughter was too close to be unobserved. He asked her hand in marriage, but it did not suit the old gentleman's views, and he would not give his consent. All the persuasions of her friends were used in vain to wean her from him, but her affections were so strongly fixed, that she left her father's house, and married him on the 12th of March, 1813. Her name was Elizabeth P. Bond.

He continued in Rawdon, and professed to be a Tailor, but pursued no regular business. A letter from a gentleman in that town speaks of him as follows: "He could sew completely, and cut out clothes very well, but in fact could do any thing he turned his hand to. He would frequently set out for Halifax in the afternoon, and be home in the morning, always bringing with him a quantity of goods, and once was known to bring £30 in gold. He told Mr. Bond he was born in Scotland, but had lived mostly in England. No person here knows more of him, except that he always appeared decently dressed, very affable, obliging and inoffensive. He was never known to be intoxicated, never used bad language, and appeared to be addicted to no bad habits of any kind. Being asked how he procured the articles that he brought from Halifax, he said he had a friend there by the name of Wilson, who furnished him with every thing he wanted. At length some suspicions were entertained against him, and a warrant was got out to apprehend him, and getting information of it, in July 1814, he left Rawdon, and made his escape."

During his confinement, the following letter was received from his wife:

"RAWDON, May 26th, 1815.

MY DEAR HUSBAND,—I received your letter, dated October 23d, on the 24th May. You say you have wrote several letters to me; if you have I never received them. You wish me to come and see you, which I would have done had I got the letter in time, but did not know whether you was at Kingston or not. My dear, do not think hard that I do not come to see you; if you

write back to me I shall come immediately, if my child is so that I can leave home ; she is very sick, and I am not in a good state of health myself. My dear, as soon as you receive this letter, pray send me your answer, that I may know what to do—so no more at present ; but I remain your loving and affectionate wife until death. ELIZABETH P. M. S.

Mr. H. F. M. S. Kingston.

P. S.—I enclose this letter to Mr. Levi Lockhart, and have requested him to give it to yourself. You can give your answer to him and I shall get it safe."

Mr. Levi Lockhart faithfully delivered the above letter to Smith, but could not make him understand any thing, or look at the writing, but twisted it up and threw it away without giving the least countenance to it.

Not long after his discharge, I heard of him at Moose Island, and after that, a gentleman who knew him while in prison, saw him in the street at Portland. From thence he proceeded to Boston, and on the 7th of November, he arrived at New-Haven, in the Boston stage, by the way of New-London, with a large trunk full of clothing, a small portable desk, and money in his pockets. He was dressed in a genteel frock coat, with breeches and fair-top boots, and remained several days. After his departure, the following paragraph appeared in the Connecticut Journal, dated November 13th :

" *Another Phenomenon.*—On Thursday morning last, after the departure of the Steam-Boat for New-York, the servants of Mr. H. Butler's hotel discovered that his whole stock of silver spoons, &c. which had been carefully deposited in a sideboard the night previous, had sud-

denly decamped, and were not to be found in the premises—and on further search by Mr. B. it was discovered that several other articles had sympathetically moved off with the spoons. This phenomenon, though not so astonishing as that of the moving stones, excited suspicion that they had not departed without some physical agency, which was supposed to proceed from a person who lodged in the house, and who seemed to possess some magical appearance, and had taken himself off in the Steam-Boat. Mr. B. immediately started express for New-York—arrived before the boat—found the fellow on board—seized his trunk and searched it—and though unfortunately he did not succeed in recovering his property, he nevertheless found sufficient evidence that the fellow was a villain, had him arraigned, and secured in Bridewell. —He called his name NEWMAN, and from the stolen property found with him it is supposed he can unravel the mystery of many phenomena of this nature."

On the 17th of October, 1816, I left Kingston, with the intention of proceeding to Portland, where I intended to publish these memoirs; and took passage on board the sloop Wellington, with the expectation of being landed there; but the wind coming out from the westward, when at George River, obliged her to proceed to New-York, where she arrived on the 1st of November. I called on Mr. Nehemiah Allen, the keeper of Bridewell, in that city, and enquired the conduct of WILLIAM NEWMAN while in his custody. He said he

appeared very decent and behaved well—that he offered him a book to read, but he said he was ignorant, and could not read or write a word—and began to complain of being sick. The doctor attended him, but could not tell what was the matter with him. He raised blood, and was so ill that he was helped up by the prisoner confined with him, who thought he would die.

He was removed from Bridewell to New-Haven, there to take his trial for burglary, at the Supreme Court to be held in January—but he kept up the farce of being sick, so that they lifted him out and in, and carried him to and from the Steam Boat upon a cart. He remained in prison until the 12th of January, and on the 13th the following article appeared in the Connecticut Journal:

"*Beware of a Villain.*—One of the most accomplished villains that disgraces our country broke from the jail in this city on Friday evening last, between the hours of five and six, and succeeded in making his escape. This fellow calls himself *William Newman*, and was bound over for trial at the next sitting of the Superior Court, on the charge of burglary, having robbed the house of Mr. H. Butler of plate, money, &c. He is supposed to be an Englishman, and is undoubtedly a most profound adept in the arts of knavery and deception. He speaks the English and several foreign languages fluently, and can play off the air of a genteel Frenchman with the most imposing gravity. He is of middling stature, slender and active,

and appears to possess an astonishing versatility of genius. He is sick or well, grave or gay, silent or loquacious, and can fence, box, fight, run, sing, dance, play, whistle or talk, as occasion suits. He amused himself while in prison by making and managing a poppet-show, which he performed apparently with such scanty means as to excite the wonder of the credulous, showing the piece of an old horse shoe, whetted on the wall of his dungeon, as the only instrument of his mechanism, and complaining only of the scarcity of *timber* to complete the group. He had the address, by an irresistable flow of good humour and cheerfulness, to make some believe he was quite an innocent and harmless man, and excited sympathy enough in those who had the curiosity to see him to obtain several gratifications which prisoners do not usually enjoy. Yet the deepness of his cunning was evinced in accomplishing the means of his escape, which he effected by sawing a hole in his prison door, which is several inches thick, so neatly that the block could be taken out and replaced without showing any mark of violence. Through this hole he could thrust his arm, and by shoving back the bolts and wrenching off a strong padlock, found, at the hour of supper, when the person who waited on the prisoners was giving them their food, a free passage to the hall of the county-house, and thence to the street. The saw is supposed to be one used on board the Steam-Boat Fulton for cutting iron, which he stole on his transportation from New-York (where he was appre-

hended) to this place, and so artfully did he conceal it that, though repeatedly searched before his confinement, and afterwards, at the suggestion of Capt. Bunker, to discover this very instrument, he was enabled to retain and use it for his purposes."

At this time Mr. Butler happened to be in N. York, and on his return by land, a few miles from the city, met Mr. *William Newman*, travelling leisurely on the road, who passed him with as much *sang froid* as though he had nothing to apprehend. Mr. B. immediately pursued him, but he seemed to mock his exertions to take him. Coming to where assistance could be obtained, however, he took to the woods. Mr. B. hired a party of men, with dogs and guns, to ferret him out, but he eluded their vigilance. The next day he was discovered and taken, again committed to Bridewell in New-York, and again returned to the gaol in New-Haven.

On his arrival at the County-House, Sheriff ROSSITER had him searched, to see that he had no instrument with which he could effect his escape, and then confined him in the criminal's room, with a shackle about one of his legs, to which was attached a strong iron chain, firmly stapled to the floor. In this situation he was left at evening. In the morning he had not only raised the staple which confined him, but he had raised the floor also, which is of stout plank, secured upon the sleepers with strong spikes. With the plank he had taken up he barricaded the door, so that no one could enter—made a

fire, and carrying the chain from his foot upon his shoulder, walked the room, smoking his pipe. Being ordered to open the door, he said this was his castle, and no one should enter it without his leave. Sheriff Rossiter finding him determined not to open the door, and having in vain endeavored to get in by other means, sent for a mason, and ordered him to make a hole in the brick partition which divided the lower rooms, large enough for him to enter, and the mason began the work, when Newman concluded to open the door, and the Sheriff went in and secured him. After this he was more closely confined, with irons and chains; when he renewed his old scheme of yelling and screaming all night, which he kept up until his trial, which a few days after took place.

I have obtained no particulars of trial; but have learnt, generally, that he was convicted of burglary, on the evidence of having entered a chamber in the house of Mr. H. Butler, where a young lady was sleeping, and stole one of her ear-rings which lay upon the candle-stand by the side of her bed; for which offence he was sentenced to be confined in Newgate, (Simsbury Mines) for three years.

In order to identify the person of *William Newman* as that of *Henry More Smith*, I came to New-Haven, where I obtained these particulars respecting him. I had a curiosity to see him, and to know how he conducted in Newgate, and proceeded there for that purpose. I was treated, by Captain Washburn, the keeper, with politeness and attention. I inquired the

conduct of *William Newman.* Captain Washburn said he behaved very well ; that when he was brought here, he was told he was a bad fellow, but he found he had so many worse ones, he did not think any thing of Newman. I asked what occupation he had given him ; he said he was a tailor if any thing, but he had not been put to work much, as he was subject to fits, and unable to labour ; that his fits were frightful ; that in his distress he would whirl round on his head and shoulders like a top ; that he had galled and bruised himself with his irons, and in his convulsive agonies had broken the shackles on his legs, so that they now only put a shackle on one leg. This information was as convincing to me as sight. On seeing him, I recognized him instantly. I asked him if he had ever seen me before—He did not know but he had, *at New-Haven.* Where did you come from ?—*Canada.* What countryman are you ? *A Frenchman, born in France.* Was you ever in England ? He had been at London and Liverpool, but never at Brighton. Was you ever at Kingston or St. John, New-Brunswick ? He answered, *No, he did not know where that was !* with a countenance as firm and steady as if it had really been true. He appeared rather more fleshy than when at Kingston, but still the same subtle and mysterious being. He is the first I believe that has succeeded to relieve himself from labour in that prison, by any pretence or deception. He keeps himself clean and decent as usual, and amongst the wretched victims, fifty-seven in number, daily disgorged

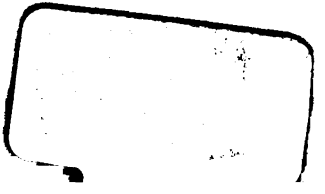
from the horrid pit in which they are immured, and put to their daily labour in chains and fetters, *William Newman* appears like a distinguished character.

I have been impelled both by duty and inclination to publish these memoirs, because the facts are both curious and astonishing; and because, with the knowledge of them, I thought it my duty to society to expose them to the world, that all might be better enabled to guard against the insidious approaches of an artful and designing villian. The following is a description of his person.

He is about five feet nine inches high; his limbs strait and well proportioned; appears rather slender, but is large boned, close and well jointed; his wrists large, and his fingers uncommonly long; complexion light, but his skin a little of a sallow cast; his hair dark brown, handsomely grown, and curls naturally in front; his eyes light gray, quick, brilliant and piercing; his nose rather more prominent than ordinary, his visage thin; has a scar on the left side of his chin, and a small scar on his right cheek, near his ear; always neat in his dress, and astonishingly quick and active in his motion; (would catch mice with his handcuffs on;) fond of smoking; sings well, and whistles remarkably, and can play on almost any instrument of music: he is a blacksmith, a shipwright, a tailor, and a farmer; in fact any thing, for he has the strength of a lion, and the subtlety of the devil.

THE END.

JAN 5 - 1949



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